



COUNTRY OF ORIGIN INFORMATION REPORT

SUDAN

30 APRIL 2008

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Preface

- i This Country of Origin Information Report (COI Report) has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 17 February 2008. The 'Latest News' section contains further brief information on events and reports accessed from 18 February to 18 April 2008.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UKBA opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UKBA decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UKBA officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the UKBA as below.

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Email: cois@homeoffice.gsi.gov.uk

Website: http://www.homeoffice.gov.uk/rds/country_reports.html

ADVISORY PANEL ON COUNTRY INFORMATION

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UK Border Agency's country of origin information material. The APCI welcomes all feedback on the UKBA's COI Reports, Key Documents and other country of origin information material. Information about the Panel's work can be found on its website at www.apci.org.uk
- xii In the course of its work, the APCI reviews the content of selected UKBA COI documents and makes recommendations specific to those documents and of a more general nature. The APCI may or may not have reviewed this particular document. At the following link is a list of the COI Reports and other documents which have, to date, been reviewed by the APCI: www.apci.org.uk/reviewed-documents.html
- xiii Please note: It is not the function of the APCI to endorse any UKBA material or procedures. Some of the material examined by the Panel relates to

countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

Advisory Panel on Country Information:

Email: apci@homeoffice.gsi.gov.uk

Website: www.apci.org.uk

Latest News

EVENTS IN SUDAN, FROM 18 FEBRUARY 2008 TO 18 APRIL 2008

- 17 April "Banditry in Darfur has prevented the delivery of sufficient food stocks to the western Sudanese region, thereby forcing the UN World Food Programme (WFP) to reduce monthly rations, the agency said. The rations, which benefited 2.4 million people in March, will be halved per person per day from May, WFP spokesman Peter Smerdon said. So far this year, 60 WFP-contracted trucks have been hijacked in Darfur, of which 39 are still missing. Twenty six drivers remain unaccounted for, while one was killed last month."
Darfur food rations cut, Ban decries rising insecurity, 17 April 2008
<http://www.irinnews.org/Report.aspx?ReportId=77809>
- 14 April Last-minute objections by the leaders of Southern Sudan have forced another postponement of the fifth national census that had been scheduled for take place from 15 April 2008. "We want the census to be comprehensive and inclusive and all areas of Sudan must be given an equal opportunity to participate", Southern Sudanese information and broadcasting minister Gabriel Changson Chang said. "We will not be part of a flawed exercise; this is why we have decided to defer the census in Southern Sudan. 'The deferral will allow southerners to fully address issues that could have dogged the exercise'." he added
Census setback as count postponed again, 14 April 2008
<http://www.irinnews.org/Report.aspx?ReportId=77751>
- 10 April "Five years into the armed conflict in Sudan's Darfur region, women and girls remain extremely vulnerable to sexual violence, Human Rights Watch (HRW) says, and neither the Sudanese security forces nor international peacekeepers are doing enough to protect them or ensure means of redress."
Sudan (Darfur): Displaced women and girls still at extreme risk
[http://www.internal-displacement.org/8025708F004D31AA/\(httpIDPNewsAlerts\)/BEB7AE3D64DB259C12574270059DE5E?OpenDocument](http://www.internal-displacement.org/8025708F004D31AA/(httpIDPNewsAlerts)/BEB7AE3D64DB259C12574270059DE5E?OpenDocument)
- 26 March IRIN News reported that barely two weeks after Chad and Sudan signed a peace accord, the two governments have accused each other of supporting fresh attacks into their respective territories by proxy armed groups. "Both governments appear to be bristling for a fight."
Hopes for peace fade with fresh round of accusations, 26 March 2008
<http://www.irinnews.org/Report.aspx?ReportId=77470>
- 19 March UNAMID reported that the Darfur Ceasefire commission (CFC) held its first meeting 1 March 2008 with the absence of the Justice and Equality Movement (JEM) party. "On 29 February, representatives from the Government of Sudan (GoS) and rebel movements came together for the first time this year to discuss issues related to ceasefire in Darfur."

- UNAMID Chairs the First Meeting of the Darfur Ceasefire Commission in 2008, 19 March 2008
<http://unamid.unmissions.org/Default.aspx?tabid=55&ctl=Details&mid=376&ItemID=93>
- 29 February UNHCR reported that an estimated 3,000 additional refugees from West Darfur have arrived in eastern Chad's Birak area over the past week, bringing to more than 13,000 the number of Sudanese believed to have fled to the remote area since fighting erupted on 8 February 2008. "A UNHCR team which reached the Birak area this week reported that the new arrivals fled the Jebel Moun region of West Darfur following repeated aerial and ground attacks by militia." Chad: Arrivals from West Darfur continue, 29 February 2008
<http://www.unhcr.org/news/NEWS/47c7f20a4.html>
- 26 February "The deadly conflict in Darfur entered its sixth year on Tuesday [26 February 2008] with no solution in sight, as Khartoum continued to resist the full deployment of a peacekeeping force amid a fresh wave of bombings."
 Dark anniversary for Darfur, 26 February 2008
<http://www.reliefweb.int/rw/RWB.NSF/db900SID/LSGZ-7C7DUE?OpenDocument&rc=1&emid=ACOS-635PJQ>
- 26 February "5 years on and there is little hope of any end in sight for the people of Darfur. Peace talks have failed to get off the ground, the United Nations-African Union peacekeeping mission will not be fully deployed for months to come, and two-thirds of the region's population is dependent on the world's largest aid operation. 'The situation is not better than it was five years ago', says Auriol Miller, head of Oxfam in Sudan."
 Darfur: Little hope five years on, 26 February 2008
<http://news.bbc.co.uk/1/hi/world/africa/7263663.stm>
- 25 February The SPLM Deputy Secretary General of southern sector, Ann Itto has announced that the SPLM's second convention will take place from 10th to 16th May this year and 1500 delegates from the 25 states of Sudan plus 500 national and international observers will attend in a venue yet to be specified.
 1500 delegates to attend Sudan's SPLM Convention in May 2008, 25 February 2008
<http://www.sudantribune.com/spip.php?article26143>
- 24 February Ethiopian authorities announced that they have resumed the voluntary repatriation of approximately 27,000 among 36,000 Sudanese refugees from different regions to Sudan.
 Repatriation of Sudanese refugees in Ethiopia started Saturday, 24 February 2008
<http://www.sudantribune.com/spip.php?article26123>
- 20 February The UN refugee agency (UNHCR) reported that its team of workers in eastern Chad who have been providing assistance to 10,000 newly arrived refugees from Sudan's West Darfur region have been forced to withdraw because of aerial bombing across the border, close to where the refugees are located.
 Bombing blocks access to new refugees, 20 February 2008
<http://www.irinnews.org/Report.aspx?ReportId=76853>

- 20 February "Sudan's Abyei region is a possible trouble spot from which conflict could resume, three years after a comprehensive agreement was signed to end civil war between the north and south, the UN special envoy to Sudan has warned. The oil-rich region, which lies between north and south Sudan, has experienced an administrative and political vacuum after disagreements over its status"
Abyei a potential flashpoint for conflict - UN envoy, 20 February 2008
<http://www.irinnews.org/Report.aspx?ReportId=76847>
- 19 February The UN has warned that reports of Sudanese air force and militia massing in West Darfur and renewed bombardment of villages indicate another wave of violence is imminent. "According to aid workers, Sudanese government aircraft bombarded areas near Abu Sarraw barely two weeks after attacks on the towns of Sirba and Abu Surouj displaced thousands of civilians. The latest aerial bombardment targeted villages at the base of opposition-controlled Jebel Moun areas."
UN warns of accelerating Darfur violence, 19 February 2008
<http://www.irinnews.org/Report.aspx?ReportId=76822>
- 18 February The Sudanese authorities have released journalists who had been detained, following an organised protest in Khartoum. "Security services freed editors in chief of five newspapers arrested because they published on Monday [18 February 2008] articles which quoted unnamed sources about changes in the upper levels of the Sudanese police."
Sudanese journalists released after protest, 18 February 2008
<http://www.sudantribune.com/spip.php?article26045>
- 18 February An official of the Sudan People Liberation Movement (SPLM) issued a strong warning to the ruling National Congress Party (NCP) in Abyei, in response to military attacks. "... There was an outbreak of violence between Sudan People Liberation Army (SPLA) and the nomadic Misseriya tribe, who go to Abyei for cattle-herding, in November and December of last year which claimed dozens of lives. Both sides accuse each other of initiating the violence. Recently members of the Misseriya tribe closed the route leading to Abyei."
Sudan SPLM vows swift response to military attacks in Abyei, 18 February 2008
<http://www.sudantribune.com/spip.php?article26035>
- 18 February The newly renovated Beniamino Andreatta Hospital in Sudan's Lakes has been opened, with the participation of the state authorities and an Italian delegation. The Yirol county hospital as it was once called known is now called Beniamino Andreatta Hospital.
Opening of Yirol hospital in Sudan's Lakes state, 18 February 2008
<http://www.sudantribune.com/spip.php?article26032>
- 18 February At least 150 members of the National Congress Party and the Beja Congress in eastern Sudan have joined the Sudan People's Liberation Movement in order to support the implementation of the Comprehensive Peace Agreement, particularly the wealth sharing protocol. "... 'We are joining the SPLM in order to support and sustain the CPA, which was brought by the Naivasha agreement and other

agreements’.” Said the Beja Congress Representative, Ali Munib Hissa.

Eastern NCP and Beja Members Defect to SPLM, 18 February 2008

<http://www.sudanforum.net/showthread.php?t=21224>

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REPORTS ON SUDAN PUBLISHED OR ACCESSED SINCE 18 FEBRUARY 2008

Reporters Without Borders, Annual Report 2008 – Sudan, 13 February 2008

<http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain?page=publisher&docid=47b418b61b&skip=&publisher=RSF&type=ANNUALREPORT&coi=SDN>

Date accessed 25 February 2008

Sudan: Complex Emergency Situation Report 3 (FY 2008), 7 February 2008

<http://www.reliefweb.int/rw/RWB.NSF/db900SID/KKAA-7BM3G9?OpenDocument>

Date accessed 25 February 2008

Humanitarian Action Report, 2008

http://www.unicef.org/har08/index_sudan.php

Date accessed 25 February 2008

Sudan Humanitarian Overview Volume 4, Issue 1: Jan 2008

<http://www.reliefweb.int/rw/rwb.nsf/db900SID/MUMA-7C65JT?OpenDocument&RSS20=02-P>

Date accessed 25 February 2008

United States Department of State (USSD) Country report on human rights practices – 2007: Sudan. released by the bureau of democracy, human rights, and Labor, 11 March 2008.

<http://www.state.gov/g/drl/rls/hrrpt/2007/100506.htm>

Date accessed 28 March 2008

Amnesty International USA Annual Report 2007

<http://www.amnestyusa.org/about/annualreport07.pdf>

Date accessed 28 March 2008

Background information

GEOGRAPHY

- 1.01 The Republic of the Sudan has a total area of 2,505,813 sq km (967,500 sq miles). (Europa, 2006) [1b] (Area and Population) (p1) Sudan is bordered by Egypt to the north; the Red Sea, Eritrea and Ethiopia to the east; Kenya, Uganda and the Democratic Republic of Congo to the south; and the Central African Republic, Chad and Libya to the west. (UN Map, April 2007) [6a] Sudan is situated in north-eastern Africa. It borders the Red Sea between Egypt on the north and Eritrea and Ethiopia on the southeast, and borders Chad and the Central African Republic on the west. (US Library of Congress) [37b]
- 1.02 The US Library of Congress describes the climate as varying from tropical wet and dry seasons in the South to arid desert in the North. Annual temperatures vary little at any single location. The rainy season (April to November) and the length of the dry season constitute the most significant climatic variables. [37b]
- 1.03 “The country is generally a broad, flat plain, with low mountains in the northeast near the Red Sea coast, in the west, and on the southeast. An outcropping of low mountains in the south-central region is known as the Nuba Mountains. The Nile River system divides the eastern third from the western two-thirds of the country. In the North, the Nubian Desert lies to the east of the Nile, the Libyan Desert to the west. Both are stony, virtually rainless, and dune-covered. South of Khartoum, the vegetation gradually changes from dry grassland and woodland to verdant savannah.” [37b]
- 1.04 The CIA World Fact book, updated 12 February 2008 noted that the population of Sudan was 39,379,358 (July 2007 est.) [2a] (p3) Europa 2006 recorded that, according to a mid-2003 UN estimate, the population of the capital, Khartoum, was approximately 1,802,299. [1b] (Area and Population) (p2) However, the Foreign and Commonwealth Office Country Profile on Sudan, updated 6 November 2007 estimated the population of Khartoum City to be 2.5 million and Khartoum State to be 7 million [4a] (p1) Europa 2006 also noted that the principle towns included Omdurman, Khartoum (Capital), Khartoum (North), Port Sudan, Kassala, El-Obeid, Nyala, El-Gezira, Gedaref, Kosti, El-Fasher and Juba. [1b] (Area and Population) (p2)
- 1.05 The USSD report for 2006 recorded that:

“The population was a multi-ethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims, numbering approximately 16 million persons, traditionally dominated the government, while southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) numbered approximately 8.2 million. The fighting in Darfur was between Muslims who self-identified as either Arab or non-Arab.” [3a] (Section 5)

See also Annex D: [Main ethnic groups](#) and Annex G: [States of Sudan](#)

- 1.05 Europa World Online notes that: "Arabic is the official language, although other languages are spoken and English is widely understood." (Europa World Online) [1b]

See also Annex E: [Languages of Sudan](#)

MAP OF SUDAN AND NEIGHBOURING COUNTRIES

1.06 Sudan, political map, April 2007, from main United Nations Human Rights Commission (UNHCR) website at:



Further maps of Sudan can be located on the ReliefWeb website located at:
<http://www.reliefweb.int/rw/rwb.nsf/doc404?OpenForm&rc=1&emid=ACOS-635PJQ>

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Economy

- 2.01 The CIA World Fact book, updated 12 February 2008, states:
- “Sudan's economy is booming on the back of increases in oil production, high oil prices, and large inflows of foreign direct investment. GDP growth registered more than 10% per year in 2006 and 2007. From 1997 to date, Sudan has been working with the IMF to implement macroeconomic reforms, including a managed float of the exchange rate. Sudan began exporting crude oil in the last quarter of 1999. Agricultural production remains important, because it employs 80% of the work force and contributes a third of GDP. The Darfur conflict, the aftermath of two decades of civil war in the south, the lack of basic infrastructure in large areas, and a reliance by much of the population on subsistence agriculture ensure much of the population will remain at or below the poverty line for years despite rapid rises in average per capita income. In January 2007, the government introduced a new currency, the Sudanese Pound, at an initial exchange rate of \$1.00 equals 2 Sudanese Pounds.” [2a] (p7)
- 2.02 Europa Regional Surveys of the World: Africa South of the Sahara 2005 (Europa 2005) noted that: “Sudan is primarily an agricultural and pastoral country, with about 59% of the economically active population engaged in the agricultural sector – the majority in essentially subsistence production.” [1a] (p1101)
- 2.03 The Foreign and Commonwealth Office's (FCO) Country Profile on Sudan, updated on 6 November 2007 stated that the economic situation in Sudan has improved in recent years and that new flows of revenue from oil exports and agriculture has been helped by favourable weather. However, the report stated further that a lasting and sustained peace is a pre-condition of continued improvement. [4a] (economy)
- 2.04 The FCO's report added:
- “The 1990s saw the strongest economic growth in Sudan since independence in 1956. Sudan began implementing IMF macroeconomic reforms that have successfully stabilised inflation. Oil has emerged as the major source of economic growth and revenue for Sudan since 1999. In summer 2005 oil production stands at around 340,000 barrels per day, and is expected to rise to 500,000 barrels per day by the end of the year. Under the wealth sharing protocol of the Comprehensive Peace Agreement, revenue from the oil reserves will be distributed equally between the National Government and northern states, and the Government of South Sudan. Agriculture production remains an important sector and expanded at the rate of 8.5% per annum during the last decade.” [4a] (economy)
- 2.05 *The Gurtong Project* reported, on 18 April 2004, that: “The GOSS Council of Ministers has firmly rejected pressure from Islamic banks operating in Southern Sudan, for the Bank of Southern Sudan (BOSS) to allow them to operate a mixed conventional/Islamic banking system in the Southern Sudan. In a statement, HE Dr Samson L Kwaje, Minister of Information, made it clear that such a move would be in contravention of the terms of the CPA. The CPA stipulates that the Southern Sudan will establish a conventional banking

system, whilst the North will operate according to Islamic banking principles. 'You cannot do both'." [18n] The minister stated further that as a result of this decision, a number of Islamic banks had indicated that they would withdraw from southern Sudan. [18n]

THE MEROWE DAM PROJECT

- 2.06 International Rivers Network (IRN) reported on 7 February, 2007 that Chinese corporations, financial institutions, and the Chinese government have shown an increasing interest in large dam projects in Africa.

"The project, now under construction, has been marred by human rights violations of dam-affected communities, and a disregard for significant cultural sites and antiquities. At least 50,000 people are being displaced from fertile lands in the Nile Valley to harsh desert lands, against their will. Some of the 1,700 Chinese workers brought in to build the project have also reportedly experienced hostilities after appropriating local communities' water supply for the dam project." [30a]

- 2.07 IRN News also reported on 29 January 2007 that the Leadership Office of the Hamadab Affected People (LOHAP), International Rivers Network and The Corner House all welcome the positive potential for economic and social development which China's growing role as a trading partner and investor has for Africa. However, "Development requires more than economic growth. The interests of local communities and the environment must be safeguarded in the growing trade and financial relations between China and Africa." [30b] The report added that the Merowe Dam Project is the largest hydropower project which is currently under construction in Africa. The project is expected to double the power generating capacity of Sudan. [30b]

- 2.08 "The project has huge, unresolved social and environmental problems", stated IRN.

"As it currently stands, the project violates Sudanese law, and a series of internationally recognized social and environmental standards. This memorandum summarizes the social and environmental problems of the project, and presents recommendations for the solution of these problems. The Merowe Dam will create a reservoir with a length of 200 kilometres. It will require the displacement of approximately 50,000 people, who have farmed fertile plots in the Nile Valley for many generations. The affected people are from three ethnic groups – the Hamadab, Amri and Manasir people. According to the official plans, they will be resettled in new locations in the Nubian Desert." [30b]

- 2.09 Adding that:

"So far, about 10,000 people from the Hamadab communities have been resettled from the Nile Valley to El Multaga in the Nubian Desert. A visit by The Corner House and International Rivers Network in February 2005 showed that the resettlement program has so far been a complete failure. Many of the new plots at El Multaga are covered by sand. Even with irrigation water, the quality of the desert soil is so poor that the farmers cannot produce food for themselves or the market. And while they do not have income, they have to pay for many of the services which they were promised for free during the

transition period. The poverty rate is increasing rapidly in El Multaga, and many people are leaving the site.” [30b]

- 2.10 *The Sudan Tribune* reported on 25 April 2007 that an organization of Merowe Dam affected people has sued the Sudanese security service in the constitutional court for arresting incommunicado without charge six of its members. The report stated that “The Manasir Association Executive Committee (MAEC) of the affected people from Manasir Merowe Dam area has submitted a complaint to the Constitutional Court against the national security apparatus.” [12v]
- 2.11 The report added that:
- “The detainees are being held incommunicado without charge in Kober prison in the capital, Khartoum, and that they are at risk of torture and ill-treatment. On 29 March [2007] plain clothed national security officers arrested the men named above at their homes in Khartoum. Torture or ill-treatment of people arrested by the police or the national security forces is often reported in Sudan, particularly when those detained are not given access to the outside world. Emergency laws have allowed the Sudanese security forces to detain people indefinitely, without charge or trial. Article 31 of the 1999 National Security Forces Act, which allows the security forces to detain people for up to nine months without access to judicial review, is still in place.” [12v]
- 2.12 *The Sudan Tribune* reported on 5 May 2007 that whilst the world’s attention has been on Darfur for the last four years albeit with little actions, “... the government of Sudan has been creating another Darfur.” [12w] This is in relation to the construction of the Merowe dam which started in 2003 and is estimated will displace more than 70,000 farmers living on the river banks. “Numerous and recurrent incidences of detention shootings and killings of civilian people have taken place over the last two years. The conflict here is basically on land and water. Perpetrators here are known and receive the full and direct support from the president and work under his direct instructions.” [12w]
- 2.13 Reuters Alert Net on 15 August 2007 reported that the Merowe Dam will start generating power in 2008, and will eventually increase the vast African nation's electricity supply by 150 percent. “ ‘In our aspiration to solve Sudan's problems, we realized that one of the biggest problems we faced was power’, Sudanese President Omar Hassan al-Bashir said after touring the site.” [70d]

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HISTORY

3.01 The FCO's Country Profile, 2007 stated that:

"Sudan entered the Twentieth Century ruled as an Anglo-Egyptian Condominium, a unique constitutional status dating from 1899. After the First World War Sudanese nationalist sentiment grew drawing inspiration from Egyptian nationalism. However, it was only much later, following the 1952 July Revolution in Egypt, that Sudan gained independence. The 1953 Anglo-Egyptian Agreement provided for a three-year transitional period before self-rule." [4a] (History)

3.02 Europa World (accessed 30 April 2007) notes that Sudan achieved independence on 1st January 1956, followed shortly afterwards by a military coup in November 1958 which established the Supreme Council of the Armed Forces. This Council ruled until October 1964, when it was overthrown in a civilian revolution. In May 1969 power was seized by a group of officers, led by Col Gaafar Muhammad Nimeri, who proclaimed the Democratic Republic of The Sudan, having abolished all existing political institutions. In October 1971 Nimeri was confirmed President by referendum and the Sudanese Socialist Union (SSU) was recognized as the only political party." [1a] (Europa world)

3.03 "Meanwhile, southern Sudan was suffering from escalating conflict between the Government forces and rebels. In 1972 Nimeiri signed a peace agreement with the southern rebels (South Sudan Liberation Movement). ...The regime's pledges gradually unravelled and by 1983, when Nimeiri proclaimed the application of Islamic law (Shari'a) throughout the country, southern resistance forces were re-mobilising into what became the Sudan People's Liberation Army/Movement (SPLA/M). Nimeiri was little more popular in the North, but challenges to his rule were met with bloody purges. Widening anger eventually sparked a military take-over in April 1985 and the following year elections were held. Parliamentary rule was to last less than four years, a period in which five governments were formed, each under the premiership of veteran politician Sadiq al-Mahdi. Peace talks with southerners and the poor state of the economy strengthened dissent." [4a] (FCO Country Profile History)

3.04 The IRIN humanitarian country profile, last updated February 2007, noted that Sudan has experienced several civil wars, with the first, the North-South civil war, ending after 17 years with the signing of the 1972 Addis Ababa Agreement, giving southern Sudan considerable autonomy. "After ten years of peace, there was a second civil war in 1983, after President Gaafar Nimeiry's decision to include states in southern Sudan in a federal government and his implementation of Shari'a law. The formation of the Sudan People's Liberation Army (SPLA), the main opposition party, under Col. John Garang, further exacerbating the crisis, which lasted 21 years and has claimed at least two million lives." [10eh] (IRIN humanitarian country profile)

THE AL-BASHIR REGIME

3.05 The FCO's country profile 2007, states that:

“On 30 June 1989, the army overthrew the democratically elected government of Sadiq al-Mahdi and installed a Revolutionary Command Council, chaired by General Omar al-Bashir. Bashir ruled by decree at the head of the Revolutionary Command Council and banned all political parties except his own National Islamic Front (NIF) (renamed the National Congress Party in 1998). In 1996 Bashir was elected President and a National Assembly was elected in a flawed election which was boycotted by the opposition. Bashir was re-elected (with 86% of the vote) in 2000. Again a number of key opposition parties boycotted the election, claiming it was flawed and unfair.”
[4a] (History)

- 3.06 Throughout al-Bashir's rule, conflict between the north-central Arab-led government and the disenfranchised, marginalised areas of south, and later west and east Sudan has been continuous. [1b] (Europa World Online, accessed 21 February 2008 – Recent History) [4a] (FCO Country Profile, 6 November 2007 – Recent Overview)

PEACE AND CONFLICT IN SUDAN

- 3.07 When al-Bashir came to power in 1989, the latest civil war with the south was already six years old and would not reach a conclusion for a further 16 years – despite repeated attempts to find a peaceful resolution during the 1990s – until the signing of the Comprehensive Peace Agreement (CPA) in January 2005.
[4a] (FCO Country Profile, 6 November 2007 Southern Sudan)

The north-south Comprehensive Peace Agreement (CPA): 9 January 2005

- 3.08 The Department for International Development (DfID) reported that on 9 January 2005, a Comprehensive Peace Agreement (CPA) was signed by the Government of Sudan and the Sudanese Peoples' Liberation Movement to bring Africa's longest-running conflict to an end. [8a] (DfID country profile on Sudan, updated 3 December 2007) The FCO's Country Profile on Sudan, updated on 6 November 2007, also noted that: “The two sides established a Government of National Unity (GNU). The Presidency of the GNU, comprising of President Field Marshall Bashir, First Vice President Garang (leader of the SPLM/A) and Vice President Taha, was sworn in on 9 July 2005. The National Assembly met on 1 September 2005 and the formation of the GNU was announced on 20 September 2005”. The GNU includes Ministers from the National Congress Party (NCP), the SPLM, the National Democratic Association (NDA) primarily the Democratic Unionist Party (DUP), Umma Party Reform and Renewal (UP R&R), the Umma Party Collective Leadership (UP CL), Democratic Unionist Party (Registered - DUP-R), United Sudanese African Parties (USAP), the United Democratic Salvation Front (UDSF), South Sudan Democratic Forum, and Ansar al-Sunnah. The CPA provided for a devolved Government of Southern Sudan (GoSS). [4a] (Southern Sudan)
- 3.09 Dr John Garang, the original head and lead negotiator for the SPLM/A, was killed in a helicopter accident in Southern Sudan on 30 July 2005 shortly after the CPA's signing. Though there were rumours of sabotage, an international commission of enquiry found no evidence of wrongdoing. Garang was succeeded by Lt. Gen. Salva Kiir Mayardit, as First Vice President and President of the GoSS and President of the SPLM. “The GNU functioned until October 2007 when Kiir announced the suspension of GoSS from the GNU, citing several CPA provisions that had not been implemented on schedule. Both

sides remain in dialogue to resolve the political impasse and have re-affirmed their commitment to the full implementation of the CPA. In spite of the political difficulties, there has not been a return to armed conflict between the North and South". [4a] (Southern Sudan)

- 3.10 The report further added: "Despite the CPA, peace in southern Sudan remains fragile. The timetable for implementation of the CPA is beginning to slip. Northern troops have not withdrawn from all parts of the South as envisaged in the CPA, and troops loyal to the Khartoum government remain around some of the economically important oil fields. Preparations for a new census, an important pre-requisite for successful elections, are also behind. While the CPA's security arrangements are making progress in parts of the South, the presence of other armed groups such as the Lord's Resistance Army remains a threat to maintaining peace". [4a] (Southern Sudan) However, the FCO, [4a], USSD [3a], IRIN [10a], WHO [44a] and HRW [19a], concur that the CPA and DPA peace agreements have so far been ineffective.
- 3.11 The USSD Report for 2006 reported the following on the CPA:

"Despite the January 2005 signing of the CPA, sporadic violence occurred in the south [during 2006]. Militias aligned with the Sudanese Armed Forces (SAF) and the SPLA, as well as non-aligned militias, continued to engage in violent attacks. Delays in CPA implementation, particularly the provisions of its security arrangements governing aligned-militia reintegration and disarmament, fomented many of these incidents. Although the SPLA successfully integrated some militias into its ranks, such as Paulino Matiep's faction of the South Sudan Defence Forces, a grouping of over 40 militias, in compliance with the CPA provision requiring militias to join either the SPLA or SAF by January 9 [2006], other militias refused to integrate into either force. In December [2006], in Malakal, the SPLA and SAF engaged in direct conflict, in violation of the CPA, when SPLA troops fired upon a SAF base where members of a government-aligned militia had sought refuge. Hundreds of civilians were wounded during the clash, and an estimated 150 civilians and soldiers on both sides were killed." [3a] (p1)
- 3.12 The IRIN humanitarian country profile, last updated February 2007, reported that there was hope for lasting peace in the country with the signing of the Comprehensive Peace Agreement between the government and the SPLA in 2005, granting southern Sudan autonomy for six years, after which a referendum for independence would be held. However, "a separate conflict, the Darfur crisis, began in early 2003, putting government forces and Janjaweed militia against the rebel forces of the Sudan Liberation Movement/Army and the Justice and Equality Movement in the western region of Darfur." [10eh] (IRIN Humanitarian Country profile)
- 3.13 An article posted on *The Gurtong's* website on 24 April 2007 noted that the Eritrean president has accepted that his government needs to work harder to support the Implementation of the CPA. *The Gurtong* reported: "In a statement during his visit to Juba in the 23 April 2007, the president, Isaiiah Afewerki said that as one of the members of IGAD, his state would work harder to support the effective implementation of Sudan's north-south peace agreement in the face of obstacles". [18p] The article reported further: "Despite his concerns about some parts of the implementation, he was not worried about the overall peace. In spite of

the fact that we see a number of obstacles, the government of Southern Sudan should do its share, It shouldn't blame the National Congress Party (but) assume responsibility and do whatever it needs to do to make sure the people of South Sudan ultimately achieve their goals". [18p]

See also [4.06](#)

THE DAFUR CONFLICT

- 3.14 Prior to the signing of the CPA in January 2005, as detailed above, "... a separate conflict, the Darfur crisis, began in early 2003, putting government forces and Janjaweed militia against the rebel forces of the Sudan Liberation Movement/Army [SLM/A] and the Justice and Equality Movement [JEM] in the western region of Darfur." [10eh] (IRIN Humanitarian Country profile) The FCO's Country Profile, last reviewed on 6 November 2007, attested to the existence of conflict in the western region, which was "... largely a local struggle for resources, land, water and grazing rights and the related attempts to win power within the indigenous tribal administration structure ..." prior to 2003 recording that:

"In late 2002/early 2003 the conflict reached new heights with the overt involvement of government forces and the establishment of the Sudan Liberation Movement (SLM). The SLM waged an increasingly effective guerrilla war against the central government, police and security forces. In response, the government equipped and mobilised groups of Arab militias (known as 'Janjaweed') as counter insurgency forces to fightthe [sic] rebels. The excesses of the Janjaweed included rape, burning of thousands of villages and forcing the sedentary population to flee to refugee camps." [4a] (Darfur)

The Darfur Peace Agreement (DPA): 5 May 2006

- 3.15 "The African Union (AU)-brokered Darfur Peace Agreement (DPA) was signed on 5 May 2006 between the Government of Sudan and the Minni Minawi faction of the SLM. The DPA gives the rebels a say in government at the national and regional levels, and provides for a substantial reconstruction package. It also requires the Government of Sudan to show good faith in the Agreement, particularly by disarming the Janjaweed Arab militias." [4a] (FCO Country Profile, 6 November 2007 – Darfur Peace Agreement)
- 3.16 Implementation of the DPA "...has been slow, held back by the refusal of other rebel factions to sign it"; the conflict in Darfur has continued. [4a] (FCO Country Profile, 6 November 2007 – Darfur Peace Agreement) With the displacement of around 2 million people (one third of the population) and over 3.5 million in need of humanitarian assistance, the situation has caused world wide attention. Attacks have continued, including targeted attacks on aid workers; and the humanitarian and security situation has greatly deteriorated in the troubled western region. [38a](FIDH, 30 March 2007), [8a](Dfid, 3 December 2007), [14i](ICG, 30 April 2007), [7a](UNMIS, 2005 – 2007)
- 3.17 UNICEF accessed 15 May 2007 summed up the situation as follows:
- "The conflict in Darfur is described by the UN as one of the world's worst humanitarian crises, affecting up to 4 million people. Fighting between rebel

groups, security forces and the *Janjaweed* militia continues largely unrestrained. Entire villages have been wiped out and 400,000 people have been killed.

“The statistics are bleak. Every day more than 70 children under the age of five are dying across Darfur. Illness and disease are rife and 1 million children in crowded camps are in need of basic food and water.” [40d]

3.18 *The Sudan Tribune* reported on 17 May 2007 that:

“Mr. Yan Eliasson, special envoy to Darfur, said that world powers should focus on getting a political deal among the government and rebel groups in Darfur on power sharing, wealth distribution and security. Hans-Joachim Preuss, the relief agency Welthungerhilfe’s Secretary General, stated that the peace agreement reached almost a year ago was endorsed de facto by a single signatory on the side of the rebels and was therefore doomed to failure. It’s now time to acknowledge the complexity of the conflict: ‘Claiming [that] it’s merely about Arabs against Africans falls far short of doing justice to the problem.’ I am in agreement.” [12x]

3.19 The report stated further that:

“A major cause of the crisis is the systematic neglect of the province. Water shortages and insufficient land have aggravated the conflict in the desert region. ‘As a result Arab nomads suffer just as much as African farmers, explains Preuss. The fronts are therefore much more blurred than often presented’.” [12x]

3.20 ReliefWeb reported on 30 July 2007 that Darfur’s rebel Justice and Equality Movement (JEM) – which is understood to have a national agenda in fighting for political change in the interest of all marginalised Sudanese [6e] (UN Secretary-General, 25 January 2005 – p39) – had split again, ahead of a United Nations and African Union meeting to unite the insurgents before peace talks with the Sudanese government. [68p] (See also Annex B)

“Nourein Adam Abdel Gaffa, spokesman for JEM’s armed wing, said the group was removing Khalil Ibrahim from his leadership position and wanted members of JEM’s army to represent the group at the rebel meeting in Tanzania beginning on 3 Aug 2007. ‘We are announcing the removal of Khalil Ibrahim as the leader of the movement’, he said. Abdel Gaffa said Ibrahim had breached the laws governing JEM but did not offer details. However, Abdel Gaffa is allied with JEM chief of staff Abdallah Abanda Abakr who Ibrahim removed from his position earlier this month, a move Abakr and other commanders rejected.” [68p] (ReliefWeb, 30 July 2007)

3.21 However, JEM spokesman Ahmed Adam stated that Ibrahim had not been removed and would represent JEM in the Arusha talks in August. “‘This is not true. Still Khalil is the chairman of JEM’, he said, adding that JEM was trying to resolve any outstanding problems, including confusion over Abakr’s role. The split announced by JEM’s armed wing is a blow to the Aug. 3-5 [2007] Arusha meeting ahead of peace talks planned by U.N. Darfur envoy Jan Eliasson and his AU counterpart Salim Ahmed Salim.” [68p] The article added that this is one of the biggest obstacles to restarting Darfur peace talks to end the fighting in rebel divisions.

“Since a peace deal last year signed by only one of three rebel negotiating factions, the non-signatory factions split into more than a dozen groups. JEM, which along with the Sudan Liberation Army (SLA), was involved in the 2006 Nigeria talks that produced the peace agreement, is often considered a smaller rebel group. ... although JEM had few troops on the ground, they could act as a spoiler to any peace agreement if not represented at the talks.” [68p]

- 3.22 International Crisis Group (ICG) in its 26 November 2007 report on the conflict in Darfur, commented that the May 2006 Darfur Peace Agreement (DPA) had been too limited in scope and signatories.

“The Darfur conflict has changed radically in the past year and not for the better. While there are many fewer deaths than during the high period of fighting in 2003-2004, it has mutated, the parties have splintered, and the confrontations have multiplied. Violence is again increasing, access for humanitarian agencies is decreasing, international peacekeeping is not yet effective and a political settlement remains far off. The strategy the African Union (AU)/UN mediation has been following cannot cope with this new reality and needs to be revised. After a highly publicised opening ceremony in Sirte, Libya, on 27 October 2007, the new peace talks have been put on hold. The mediation should use this opportunity to reformulate the process, broadening participation and addressing all the conflict's root causes.” [14d]

- 3.23 The UN Secretary General's (UN SG) Report of 24 December 2007 noted that: “The humanitarian situation in Darfur continues to be volatile.” [65b](p6)

THE EASTERN CONFLICT

- 3.24 Canadian International Development Agency, accessed 4 May 2007, stated that “Even though the CPA put an end to the hostilities between the North and South of Sudan, the conflicts troubling the Darfur (Western Sudan) and other surrounding regions (particularly in the East) continue to instigate incredible instability and humanitarian crises.” [11a]

- 3.25 Reuters AlertNet dated 12 March 2007 concurred also noting that the east is one of the poorest regions in Sudan, even though it is home to the country's largest gold mine and its major oil pipeline. [70c] FCO Country Profile for 6 November 2007 stated that:

“Eastern Sudan has suffered from years of marginalisation and neglect. As such, it is one of the least developed areas in Sudan. In response to this marginalisation a number of rebel groups, formed mainly from the Beja and Rasha'ida tribes (the most populous in the area), have in recent years carried out attacks on Government targets. Although isolated and small scale, these skirmishes had the potential to erupt into a larger-scale conflict.” [4a] (Eastern Sudan)

- 3.26 Despite the parties involved in the eastern conflict having expressed their willingness to participate in Libyan and Eritrean mediated peace talks; the commencement of these proceedings was delayed on four successive occasions. (*Sudan Tribune*, 9 January 2006) [12c] (Agence France Presse, 25 January 2006) [13a] However, on 20 June 2006, IRIN reported that:

“The Sudanese government and rebels of the Eastern Front (EF) have signed a ceasefire and agreed on a framework for substantive peace talks to end a simmering civil conflict in east Sudan. Preparatory talks between the government and the EF an alliance of two rebel movements, the Beja Congress and a smaller insurgency, the Rashaida Free Lions began in the Eritrean capital, Asmara, on 13 June [2006] and concluded on Monday with the signing of two agreements. ‘They signed a declaration of principles a framework for future talks and an agreement on creating a conducive environment for peace, which includes a ceasefire, the lifting of the state of emergency, the release of prisoners of war, and an agreement to refrain from hostile media campaigns,’ an analyst in Asmara told IRIN. ‘The military ceasefire will take immediate effect’, he added.” [10e]

3.27 The BBC also reported on the ceasefire noting:

“Rebels in eastern Sudan and the government have signed a ceasefire deal at talks in neighbouring Eritrea. Both sides agreed to end hostilities to pave the way for a lasting settlement, the Eritrean mediators said. Eastern Front rebels, allied to other Sudanese rebel groups, have controlled Hamesh Koreb close to the Eritrean border for more than a decade. They complain of discrimination by the central government in one of the poorest areas of Sudan.” [9c]

The Eastern Sudan Peace Agreement (ESPA): 14 October 2006

3.28 “... in August 2006, the Government of Eritrea convened negotiations between the Eastern rebels, known as the Eastern Front (EF), and the Government of Sudan. A peace deal (the Eastern Sudan Peace Agreement, or ESPA) was signed in the capital of Eritrea, Asmara, on 14 October, guaranteeing greater development for Eastern Sudan.” [4a] (FCO Country Profile, 6 November 2007 – Eastern Sudan)

3.29 UN News report on 27 April 2007 of The UNHCR’s pledge to “shine the spotlight on the ‘forgotten situation in eastern Sudan’, where the agency has been running camps since 1968 for displaced Eritreans and Ethiopians, but has attracted little international attention.” [6aq] Mr. Guterres visited the Wad Sherif and Kilo 26 camps and held talks in Kassala with local authorities and officials from UNHCR’s Sudanese Government counterpart, the Commissioner for Refugees. “We have a huge refugee population here to whom nobody is paying attention,” Mr. Guterres said. “These are forgotten people ... Today, the whole world focuses on Darfur and South Sudan and nobody thinks of the refugees in the east. People also forgot that Sudan has been one of the most generous countries [for] hosting refugees for 40 years. Personally I believe this generosity is rooted in Islam.” [6aq].

3.30 The UN Secretary General’s (UN SG) Report of 17 April 2007 stated that:

“Implementation of the Eastern Sudan Peace Agreement, signed in October 2006, has stagnated, owing largely to internal power struggles within the leadership of the Eastern Front. A split among Beja factions of the Front prevented it from presenting a list of nominees for the posts allocated to it under the Agreement. The Eastern Front leadership has now requested mediation by the Government of Eritrea to help resolve the abiding conflict among the Beja factions. For its part, the Sudanese Government continued to

express optimism about the implementation of the Agreement and has begun preparations for the disarmament and integration of former Eastern Front combatants.” [6ad]

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RECENT DEVELOPMENTS

SECURITY

- 4.01 During the period 1 November 2007 to 31 January 2008 the security situation in the UNMIS area of operations remained relatively calm. There were several incidents reported in Southern Sudan of inter ethnic clashes in disputes over migration routes and grazing rights. There were also increased security problems in the Abyei area around Meiram, and in the northern part of Southern Kordofan State, both of which border Southern Darfur. In these areas reports were received of road blocks being erected around oilfields; a dispute between local citizens and an oil company; the kidnapping of international employees of the oil company; inter tribal incidents, the unlawful detention of travellers, and hostile activities by the Justice and Equality Movement (JEM); together with the presence of other armed groups. [6aw](p1) (UN Report of the Secretary- General on the Sudan 31 January 2008)

POLITICAL DEVELOPMENTS

- 4.02 On 11 December 2007, the political stand-off between the Sudan Peoples Liberation Movement (SPLM) and the National Congress Party (NCP) was resolved which facilitated the return of the SPLM to the Government of National Unity, following eight weeks of intensive consultations between the parties. Both the NCP and the SPLM renewed their commitment to the letter and spirit of the Comprehensive Peace Agreement, which the SPLM had continued to participate in during the period in which it suspended its participation in the Government of National Unity: it had also continued to participate in all other constitutional bodies at both national and state levels. [6aw](p2) (UN Report of the Secretary- General on the Sudan 31 January 2008)
- 4.03 In Southern Sudan, the Government of Southern Sudan worked with state leaders from both the NCP and SPLM to defuse several incidents that could have led to bloodshed, such as reversing the decision of a former Governor of Upper Nile State to ban all road and river traffic into the State, which ended a de facto economic blockade that had driven up market prices and caused the local population to panic. Throughout the south, local leaders were proactive in peacefully tackling dry-season conflicts and disputes over local political leadership. [6aw](p2) (UN Report of the Secretary- General on the Sudan 31 January 2008) (p2)
- 4.05 No significant progress was made in the preparation of the elections. The NCP-SPLM stand-off further delayed the finalisation of the draft electoral law. [6aw](p4) (UN Report of the Secretary- General on the Sudan 31 January 2008)

IMPLEMENTATION OF THE COMPREHENSIVE PEACE AGREEMENT

- 4.06 On 9 January 2008 the Sudanese Armed Forces (SAF) announced that it had completed its redeployment from the south in accordance with agreed deadlines, although according to UNMIS only 88 per cent had been deployed as at 15 January 2008. While the SPLA continued to question the extent of voluntary demobilisation of SAF troops. [6aw](p3)(UN Report of the Secretary- General on the Sudan 31 January 2008)

- 4.07 SPLA troops continued their redeployment from Blue Nile and Southern Kordofan States in January, but the SAF rejected the SPLA claim that its assembly area at White Lake/Jaw was located south of the 1 January 1956 border. On the 15 January 2008 SPLA redeployment remained at 8.5 per cent. [6aw](p4)(UN Report of the Secretary- General on the Sudan 31 January 2008)

See also [3.08](#)

IMPLEMENTATION OF OTHER PEACE PROCESSES

- 4.08 A press statement issued by the Chairman of the Eastern Front and assistant to the President Musa Mohamed Ahmed on the implementation of the Eastern Sudan Peace Agreement stated that the implementation mechanisms had been established and that the Eastern Sudan Rehabilitation Fund would begin implementing development projects in 2008. [6aw](p5) (UN Report of the Secretary-General on the Sudan 31 January 2008)

- 4.09 During November and December 2007 there was some progress in terms of the unification efforts of the movements in Darfur, which had coalesced around five major groupings: Sudan Liberation Army (SLA)-Unity, SLA-Abdul Wahid, SLA –Abdul Shafi, JEM-Khalil Ibrahim and the United Resistance Front. The deterioration in the security situation on the ground, particularly in West Darfur, and renewed tensions between Sudan and Chad, were complicating the search for a political settlement. (UN Report of the Secretary-General on the Sudan 31 January 2008) (p6)

- 4.10 Also with regard to Darfur, there have been reports of vigilante groups based on ethnic groupings being formed in some camps. Rape continues to be systematic, as the security situation in and outside of the camps continues to deteriorate. Amnesty International (AI) on 22 January 2008 reported:

“Some camps, such as Kalma, have members of as many as 29 different ethnic groups. Most Kalma camp residents have arms. Amnesty International has learned that many of the youth in the camp have formed vigilante groups based on their ethnic origin – Fur, Masalit, Zaghawa and Dajo. The UN recorded more than 10 armed incidents in Kalma camp between 16 and 22 October 2007.” [16ah]

- 4.11 The report continued:

“Displaced women are at constant risk of rape when they venture outside their camps to find firewood or food. Although most victims of rape accuse Janjawid militia, there are also reports of rape being committed by members of the Sudanese army, the police and other armed opposition groups – including SLA/MM soldiers. Women also say that they are sometimes raped by displaced men inside the IDP camps.” [16ah]

- 4.12 Likewise, Internal Displacement Monitoring Centre, (IDMC) reported on 31 January 2008 that: “The situation of displaced people in Darfur continues to become more desperate. Amnesty International (AI) has warned of a generation of Darfuris growing up in extreme fear and insecurity, and subject to forced recruitment, in IDP camps awash with weapons. ‘Almost all of the camps in Darfur are flooded with weapons. The security situation in and outside of the camps continues to deteriorate’.” [48f]

- 4.13 The UN Secretary-General's report on children in armed conflict dated 21 December 2007 noted: "in Darfur, rape is a method of warfare used by armed groups to deliberately humiliate and to force displacement of girls and their families." [65a]
- 4.14 Human Rights First in November 2007 reported continued attacks by the Sudanese government and armed bandits on Non-Governmental Organisations (NGOs), who are working to bring relief and stability to the civilian people. [91a](p1)
- 4.15 The UN Secretary General's (UN SG) Report of 24 December 2007 reported: "It is of grave concern that humanitarian workers are increasingly becoming targets of violence and armed robberies. In October alone, seven humanitarian personnel were killed in Darfur, the highest number in a single month since July 2006. In 2007, a total of 12 humanitarian workers have been killed, 15 wounded, 59 physically assaulted and 118 abducted during hijackings, while 75 humanitarian premises have been invaded by armed men." [65b](p6)

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CONSTITUTION

- 5.01 The CIA World Factbook, last updated 12 February 2008, records the following timeline “Constitution implemented on 30 June 1998, partially suspended 12 December 1999 by President Bashir; under the CPA [Comprehensive Peace Agreement], Interim National Constitution ratified 5 July 2005; Constitution of Southern Sudan signed December 2005”. [2a]

INTERIM NATIONAL CONSTITUTION OF SUDAN (INC)

- 5.02 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 19 February 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a]

- 5.03 The Sudan Organisation against Torture’s (SOAT) newsletter of November – December 2005 noted that:

“The situation in the rest of the Sudan [other than Darfur] has improved little despite the expectations generated by the Comprehensive Peace Agreement (CPA) and the Interim Constitution adopted in June 2006 [sic]. The untimely death of Dr. John Garang, the architect of the CPA and the leader of the Sudan People Liberation Movement/Army (SPLM), the slow pace of implementation of elements within the CPA specifically with regards the Constitution coupled with the perception among many of the weakness of Salva Kiir Mayardit, the now leader of the SPLM and the First Vice President have all combined to produce an atmosphere of resignation and disappointment. For the general civilian population in the Sudan, little has changed in the last twelve months.” [15a] (p2)

- 5.04 Article 4 of the INC records the fundamental basis of the Constitution:

“This Constitution is predicated upon and guided by the following principles:

- (a) the unity of the Sudan is based on the free will of its people, supremacy of the rule of law, decentralized democratic governance, accountability, equality, respect and justice,
- (b) religions, beliefs, traditions and customs are the source of moral strength and inspiration for the Sudanese people,
- (c) the cultural and social diversity of the Sudanese people is the foundation of national cohesion and shall not be used for causing division,
- (d) the authority and powers of government emanate from the sovereign will of the people exercised by them through referenda and in free, direct and periodic elections conducted through universal adult suffrage, using secret ballot.” [94a] (p3-4)

- 5.05 The INC provided for basic human rights such as the right to life and human dignity, equality, and freedom of religion, speech, assembly and movement. [94a] (p13-18) The UN’s Integrated Regional Information Networks (IRIN) recorded on 11 July 2005 that “On Sunday [10 July 2005], [President] al-Bashir issued a decree ending the country’s 16-year-old state of emergency – which gave authorities wide powers to detain people without charge and to

crack down on opposition forces – in all the states of Sudan except the three strife-torn states of Darfur and two eastern states bordering Eritrea.” [10i]

- 5.06 Amnesty International (AI) welcomed the human rights provisions in the new Constitution but was concerned that “Article 60 of the Interim Constitution grants immunity from prosecution to the President and First Vice President of the Republic of the Sudan for all crimes except those of high treason, gross misconduct in relation to State affairs, and gross violations of the Constitution.” [16a] Whilst, the Sudan Human Rights Organisation-Cairo’s (SHRO-Cairo) Human Rights Quarterly report of January 2006 states, in relation to the ending of the State of Emergency, that “Gross human rights violations, however, were never abated. Tens of political detainees and prisoners of conscience remained in jail.” [17a] (**The Situation of Human Rights in Sudan: March-November 2005**)

INTERIM CONSTITUTION OF SOUTHERN SUDAN (ICSS)

- 5.07 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. (United Nations Secretary-General’s report on the Sudan, 21 December 2005) [6c] (para 4) A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 3 of the ICSS records the supremacy of the Constitution as follows: “Without prejudice to Article 3 of the Interim National Constitution, this Interim Constitution shall be the supreme law of Southern Sudan and shall have binding force on all organs and agencies of government and persons throughout Southern Sudan. The interim constitutions and laws of the States of Southern Sudan shall comply with this Constitution and the Interim National Constitution.” [94b] (p2-3)
- 5.08 As with the INC, the ICSS provided for basic human rights such as the right to life and human dignity, equality, and freedom of religion, speech, assembly and movement. [94a] (p6-12) Article 9 (1) of the ICSS also affirms that “The people of Southern Sudan have the right to self-determination through a referendum to determine their future status.” [94b] (p4)
- 5.09 Part eleven of the ICSS concerns: ‘The States, Local Government, Traditional Authority and Abyei Area’. [94b] (p65-72) Article 167 states that: “The Government of Southern Sudan shall discharge its duties and exercise its powers as set forth in this Constitution, the Interim Constitution of Southern Sudan, the Comprehensive Peace Agreement and any other agreement relating to the development and reconstruction of Southern Sudan.” [94a] (p65) Articles 168 to 172 of Part Eleven of the ICSS deal with the provisions for state organs, the state executives, state legislative assemblies, state judiciaries and interim provisions for the individual southern states, the latter pending the elections scheduled to be held no later than the end of the fourth year of the Interim Period [approximately July 2009]. [94b] (p66-69)

See also Annex G: [States of Sudan](#)

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POLITICAL SYSTEM

GOVERNMENT OF NATIONAL UNITY (GoNU)

6.01 The USSD report for 2006 stated that:

“Sudan, is a republic with an estimated population of 41.2 million, and is governed according to a power-sharing arrangement established by the January 2005 Comprehensive Peace Agreement (CPA), which ended the 22-year civil war between the north and south and established an interim Government of National Unity. The government’s mandate extends until scheduled elections in 2009. The Government of National Unity is composed of the National Congress Party (NCP), dominated by Islamists from the north and ruled by authoritarian President Omar Hassan al-Bashir and his inner circle, and the Sudan People’s Liberation Movement (SPLM), the political wing of the Sudan People’s Liberation Army (SPLA), led predominantly by Christians and practitioners of traditional indigenous religions from the south.” [3a] (p1)

The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 19 February 2008) [9a] Article 24 INC records that:

“The Sudan is a decentralized State, with the following levels of government:

- (a) The national level of government [Government of Southern Sudan (GoSS)], which shall exercise authority with a view to protect the territorial integrity and the national sovereignty of the Sudan and promote the welfare of its people,
- (b) Southern Sudan level of government [Government of Southern Sudan (GoSS)], which shall exercise authority in respect of the people and states in Southern Sudan,
- (c) The state level of government, which shall exercise authority at the state level throughout the Sudan and render public services through the level closest to the people,
- (d) Local level of government, which shall be throughout the Sudan.” [94a] (p10-11)

6.02 On 31 August 2005, the new interim parliament convened its first session in Khartoum:

“In accordance with the historical peace agreement, 52 percent of the parliamentary seats were reserved for members of the ruling party, while the SPLM/A was accorded 28 percent. Northern opposition parties received a further 14 percent, while their counterparts in the south were allotted the remaining six percent of the seats in the new interim assembly.” (IRIN, 1 September 2005) [10j]

6.03 IRIN recorded that: “Under the January [2005] peace accord, a new legislative chamber will be set up after national elections in three to four years’ time, followed by a referendum in which the south will vote on unity or secession.” [10j] On 22 September 2005, the BBC and IRIN reported on the swearing in of the new Government of National Unity (GoNU). [9e] [10k] The President of the GoNU, as of 3 October 2006, was Lt Gen Omar Hassan Ahmad El-Bashier,

the First Vice-President Lt Gen Silva Kair Miar Madit and the Vice-President Ali Osman Mohamed Taha. (GoNU via Gurtong.org, updated 29 September 2006) [18j]

6.04 IRIN reported on 22 September 2005 that:

“Of the 29 ministries, 16 remained in the hands of the ruling National Congress Party (NCP). Nine went to the SPLM/A, and the remaining four were divided among various other political parties in accordance with the wealth- and power-sharing quotas agreed to under the Comprehensive Peace Agreement. The NCP retained the key energy and mining, defence, interior, finance and justice ministries in the new government. The SPLM/A gained control of the foreign affairs ministry, under senior SPLM/A official Lam Akol, as well as the foreign trade, education and scientific-research, and health ministries.” [10k]

6.05 Many Southerners were reportedly unhappy at the allocation of ministries as the SPLM was effectively a junior rather than equal partner in the sharing of power, contrary to the accords contained in the peace agreement. (BBC Online, 22 September 2005) [9e] (IRIN 22 September 2005 & 15 November 2005) [10k, 10i] IRIN also noted that: “Two seats [in the GoNU] have been left vacant for members of the northern opposition National Democratic Alliance [NDA], which is unhappy at the allocation of seats.” [10k]

6.06 The Sudan Human Rights Organisation-Cairo's (SHRO-Cairo) Human Rights Quarterly report of January 2007 stated that: “There is a need for a National Democratic Government. SHRO-Cairo is gravely concerned for the negligence of the GONU to the NDA/Umma call to convene a national constitutional conference – a significant method to resolve the chronic crises of the country, especially the Darfur Crisis and the congested North-South relations.” [17m]

6.07 Whilst the Sudan Tribune reported on 13 February 2007 of the SPLM's commitment to the vision of a ‘New Sudan’, at the end of a four day meeting held in Yei, Central Equatoria. The SPLM defined the vision thus: “To transform Sudan into a free, just, democratic, and decentralized system of government based on the free will and popular participation of its entire people.” [12p]

6.08 Afrol News reported on 28 December 2007 that the “SPLM quitted the unity government [on 11 October 2007], accusing al-Bashir government of not respecting the 2005 comprehensive peace accord that nailed the two decade-long conflict between the North and South Sudan.” [87a] However, the report went on to state that the “Sudan People's Liberation Movement (SPLM) has at last accepted to rejoin the government of national unity.” [87a]

“Sixteen newly appointed government officials [3 Presidential Counsellors, 7 Ministers and 6 Ministers of State] took oath of office before President el-Bashir and Vice President Salva Kiir, who is also the leader of SPLM and President of South Sudan. Kiir had announced a break off from a two-month deadlock with Khartoum and guaranteed the return of his movement to the unity government. The deadlock was triggered by the movement's protest over the deployment of government troops in some southern states and ownership of the oil-rich Abyei state”. [87a] (Afrol News, 28 December 2007)

- 6.09 In January 2008, Physicians for Human Rights (PHR) highlighted the appointment of a Janjaweed leader as Advisor to Federal Affairs Minister, noting that “Bashir continues to promote war crimes suspects to senior positions”.

“Physicians for Human Rights (PHR) called on members of the UN Security Council and other countries to publicly condemn the appointment of Musa Hilal, a known leader of the Janjaweed who is suspected of committing war crimes, to the position of advisor to Sudan's Minister of Federal Affairs and actively work to end impunity for his crimes. The US Government believes that Hilal is a central coordinator of the Janjaweed, a group responsible for the Government of Sudan's orchestrated campaign of killing, displacement, and looting throughout Darfur.” [34b] (PHR, 22 January 2008)

- 6.10 The *Sudan Tribune* reported on 14 February 2008 that the Sudanese President Omar Hassan Al-Bashir had reshuffled the ministers of the National Congress Party in the national cabinet, sacking the justice minister and making seven new cabinet appointments:

“Omer al-Bashir, Justice Minister Mohamed Ali al-Mardi, recently locked in repeated rows with the media over alleged mismanagement, was fired and replaced by Abdel Basset Saleh Sbidrat, federal affairs minister in the outgoing cabinet. Ibrahim Mohamed Hamed, a former provincial governor, was appointed interior minister, replacing Zubir Beshir Taha who was demoted to agriculture. Energy minister Awad al-Jaz swapped jobs with finance minister Zubeir Ahmed al-Hassan, while Mohamed Ahmed Taher Abu Kalabish moved from the state education portfolio to take up the reins at the animal resources ministry. The Sudanese president also made Ibrahim Mohamed Omar, a senior member of his ruling National Congress Party, minister of science and technology.” [12a]]

Political parties in Sudan

- 6.11 The USSD report for 2006 noted that:

“Although there were 20 officially registered political parties, the law however, prohibits traditional political parties linked to armed opposition to the government. The Political Parties Act allows some formerly banned political parties to resume their activities, but the parties are required to notify the registrar in writing to participate in elections.” [3a] (Section 2b)

- 6.12 The main national opposition parties were the Popular National Congress (PNC), the Umma Party (UP) and the Democratic Unionist Party (DUP). (HRW, March 2006) [19a] IRIN reported on 1 September 2005 that: “A number of opposition groups, including the Umma Party of former premier Sadiq al-Mahdi and the Popular Congress Party of Hassan al-Turabi, announced earlier a decision not to participate in the new parliament on the grounds that the president's party unfairly dominated both chambers.” [10]]

- 6.13 In the conflict zones of North, South and West Darfur states in the north-west, and Red Sea and Kassala state in the north-east, the main opposition groups were – in Darfur – the Sudan Liberation Movement/Army (SLM/A) and the Justice and Equality Movement (JEM), who allied under the banner the Alliance of Revolutionary Forces of West Sudan (ARFWS) in January 2006,

and – in the east – the Beja Congress (BC) and Rashaida Free Lions (FL), who joined forces in February 2005 under the name the Eastern Front (EF). (UN ICI, 25 January 2005; AFP, 22 January 2006; *Sudan Tribune*, 5 February 2005) [6e] [13b] [12f]

See also Annex B: Political organisations and Annex C: Prominent people, past and present

GOVERNMENT OF SOUTHERN SUDAN (GoSS)

- 6.14 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. (UN Secretary-General's report on the Sudan, 21 December 2005) [6c] (para 4) A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. Article 50 of the ICSS records that:
- “Southern Sudan shall have a decentralized system of government with the following levels:
- (a) the government of Southern Sudan [GoSS] level which shall exercise authority in respect of the people and states in Southern Sudan;
 - (b) the state level of government, which shall exercise authority within a state and render public services through the level closest to the people; and
 - (c) local government level within the state, which shall be the closest level to the people.” [94b] (p18)
- 6.15 On 29 September 2005 the Interim Legislative Council of Southern Sudan was inaugurated in Juba, the capital of southern Sudan, “The transitional southern parliament will remain in place until legislative elections are held in approximately four years. After a six-year interim period, which began on 9 July, the south will hold a referendum to decide whether to remain part of a united Sudan or secede.” (IRIN, 30 September 2005) [10m] The Report further noted: “The establishment of the legislative council also opens the door for the adoption of a host of new legislative powers – from approving budgets to decisions on the framework of local governance – that are essential for the implementation of development and reconstruction programmes for the war-ravaged region.” [10m]
- 6.16 An article in *the Gurtong* noted that the vast majority of members in the South Sudan Assembly were members of the Sudan People's Liberation Movement. [18c] The few remaining seats were taken by members of President al-Bashir's National Congress Party (NCP), the South Sudan Defense [sic] Force (SSDF), the Sudan African National Union (SANU), the United Democratic Front (UDF), the Union of Sudan African Parties 1 (USAP 1), the Union of Sudan African Parties 2 (USAP 2) and the United Democratic Sudan Forum (UDSF). [18c]
- 6.17 On 23 and 24 October 2005, the BBC and IRIN reported on the swearing in of the new Government of Southern Sudan (GoSS). [9f] [10n] “According to the January [2005] peace agreement, 70 percent of the representatives of the southern government are from the SPLM/A, 15 percent from the northern ruling National Democratic Party of President Umar al-Bashir and 15 percent from other southern parties.” (IRIN, 24 October 2005) [10n] The President of

the GoSS, as of 10 March 2006, was Salva Kiir and the Vice-President was Riek Machar Teny. (GoSS via Gurtong.org, updated 29 September 2006) [18k]

Political parties in southern Sudan

- 6.18 The main opposition parties in south Sudan were the South Sudan Defence Force (SSDF), South Sudan Unity Movement (SSUM) and South Sudan Independence Movement (SSIM). [14f]

See also Annex B: [Political organisations](#) and Annex C: [Prominent people, past and present](#)

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Human Rights

INTRODUCTION

- 7.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 19 February 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 27 of the INC stated that:

“This Bill of Rights is a covenant between the Sudanese people and between them and their governments at every level and also a commitment to respect and promote the human rights and fundamental freedoms enshrined in this Constitution; it is the cornerstone of social justice, equality and democracy in the Sudan; the State shall guarantee, protect, and fulfil this Bill; all rights and freedoms enshrined in international human rights treaties, covenants and instruments ratified by the Republic of the Sudan shall be an integral part of this Bill. Legislation shall regulate the rights and freedoms enshrined in this Bill and shall not detract from or derogate any of these rights” [94a] (p13)

- 7.02 The US State Department, in the country human rights practices report on Sudan, published 6 March 2007, summaries the human rights situation in Sudan as:

“The government’s human rights record remained poor, and there were numerous serious problems, including evidence of continuing genocide in Darfur, for which the government and janjaweed continued to bear responsibility. Abuses included: abridgement of citizens’ rights to change their government; extrajudicial and other unlawful killings by government forces and other government-aligned groups throughout the country; torture, beatings, rape and other cruel, inhumane treatment or punishment by security forces; harsh prison conditions; arbitrary arrest and detention, including incommunicado detention of suspected government opponents, and prolonged pretrial detention; executive interference with the judiciary and denial of due process; forced military conscription of underage men; obstruction of the delivery of humanitarian assistance; infringement on citizens’ right to privacy, freedoms of speech, press, assembly, association, religion, and movement; the harassment of internally displaced persons (IDPs) and of local and international human rights and humanitarian organizations; violence and discrimination against women, including the practice of female genital mutilation (FGM); child abuse, including sexual violence and recruitment as child soldiers, particularly in Darfur; trafficking in persons; discrimination and violence against ethnic minorities; denial of workers’ rights; and forced labor, including child labor, by security forces and both aligned and non-aligned militias in Southern Sudan and Darfur.” [3a] (section1)

- 7:03 Sudan Organisation Against Torture (SOAT) [15ap] Human Rights Watch (HRW) [19t], and Amnesty International (AI) [16ap] all reported on 2 May 2007 that they welcome the decision taken by the court to issue an arrest warrant for Ahmad Muhammad Harun, former State Minister of Interior of the Government of Sudan and currently Minister of Humanitarian Affairs, and the Janjaweed leader Ali Muhammad Ali Abd al-Rahman, also called Ali Kushayb, who are both suspected of war crimes and crimes against humanity in the Darfur region.

7.04 Amnesty International (AI) reported on 8 May 2007 that:

“Arms, ammunition and related equipment are still being transferred to Darfur in the west of Sudan for military operations in which extremely serious violations and abuse of human rights and international humanitarian law are committed by the Sudanese government, the government-backed Janjawid [sic] militias and armed opposition groups.” [16ar]

7.05 AI added: “This report describes the arming process and its effects on the people of Darfur and neighbouring eastern Chad, many of whom have been forcibly displaced. It provides details of violations of the United Nations arms embargo on Darfur that occurred during January to March 2007.” [16ar]

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SECURITY FORCES

- 8.01 USSD report for 2006 stated that: "The NISS and the Ministry of Interior both have security forces under their control, along with the police force that maintained internal security. The police forces included regular police units and the Popular Police Force, a parallel pro-government force that received higher pay than regular forces ... The army was responsible for external and internal security." [3a] (Section 1d)
- 8.02 There were reports of torture, beating and harassment of suspected political opponents and others by the government security forces. [3a] (Section 1e)

POLICE

- 8.03 The USSD report for 2006 stated that corruption in the police force was a problem, and that: "Police officers supplemented their incomes by extorting bribes from the local civilians. ... Impunity remained a serious problem. ... In other cases of police abuse, victims who complained were punished." [3a] (Section 1d) The report gave an account of two southern IDP women in Omdurman, one of whom was seven months' pregnant, who were severely beaten by police after they resisted police attempts to steal money from their home. "The women were taken to the Thowra police station, where they were beaten again by a senior police officer. The following day, when the women were taken to court, one of the women complained about the abuse to the judge. Three police officers accused her of lying and defaming the police. The judge ruled in favour of the police, and sentenced her to 30 lashes and a \$23 (SDD 5,000) fine for defamation." [3a] (section 1d)

Arbitrary arrest and detention

- 8.04 The USSD report 2006 noted that:
- "Although the law provides for access for bail to a lawyer, security forces often held persons, including criminal detainees, incommunicado for long periods in unknown locations without access to their lawyers or family members, arbitrarily arresting and detaining individuals. The report added that in general the government detained persons for a few days before releasing them without charge or trial; however, there were exceptions, particularly for perceived political opponents." [3a] (Section 1d)
- 8.05 Amnesty International reported on 14 March 2007 that the organisation feared for the health and safety of three men who been detained by the government. "Abulgasim Ahmed Abulgasim, his brother Zakaria, and a third man, Mukhtar Ali Ahmed, are now known to be held in Kober Prison, in the capital, Khartoum. They have access to a lawyer, but have been denied all contact with their families. Abulgasim Ahmed Abulgasim, who is diabetic, has asked for medical attention, but has been refused. None of the men has been charged with any offence." [16au]
- 8.06 The report stated further that Abulgasim Ahmed Abulgasim is a member of the political wing of the Sudan Liberation Movement (SLM), one of the armed opposition groups fighting the government in Darfur. " [16au]

8.07 The report added:

“The Sudanese authorities use prolonged incommunicado detention as a tool of repression to create a climate of fear and to crush political opposition. The National Security Forces Act allows the security forces to ‘preventively’ detain people suspected of ‘crimes against the State’ incommunicado without charge or trial and without access to judicial review for up to nine months. Article 33 allows national security forces immunity from prosecution and maintains the secrecy of any act carried out in the service of the National Security Agency in regular court proceedings. Article 10(i) of the 1993 Law of Evidence allows evidence obtained by torture to be accepted.” [16au]

8.08 The World Organisation Against Torture (OMCT) reported on 20 June 2007 regarding the ‘excessive use of force’ by Sudanese security forces in Farraig village, Halfa Municipality in Northern Sudan against civilians and the arrest and detention of several individuals, among them journalists and lawyers, in Dongola and Khartoum. “According to the information received, on 13 June 2007 four persons were killed and nine other civilians were injured by the police and security forces in the Farraig village during a peaceful demonstration against the building of the Kajabar Dam in the area.” [55a]

8.09 Likewise, the *Sudan Tribune* reported on 20 July 2007 that Mr. Osman Ibrahim, the spokesperson of the Committee against the dam, had been arrested. “In the early morning, 3 police cars arrived at his home in Firraig village. No warrant was presented for his arrest and his whereabouts are unknown. His arrest follows the incident reported on the 13 June 2007, when Sudanese security forces shot on civilians holding a peaceful demonstration against the building of the Kajbar Dam in the Nubian area of northern Sudan. Four people were shot dead and thirteen people were seriously injured.” [12s] The article adds: “Journalists and lawyers working on and covering the protests against the Kajbar Dam were arrested. To this day, except for the journalist Saad Mohamed Ahmed released on 9 July 2007, they all remain in incommunicado detention in spite of the fact that their lawyers filed a petition before the Constitutional Court questioning the legality of their detention.” [12s]

8.10 Amnesty International (AI) on 4 December 2007 reported that 27 people were held in the main section of Kober Prison in Khartoum, charged with several offences against the government.

“... They were arrested on or soon after 14 July 2007 and have been tortured or ill-treated during prolonged incommunicado detention. A number of them have also been denied access to medical treatment. (See UA 241/07, 7 September 2007 and follow up). All 27 defendants have been charged with a number of offenses against the State including charges under Article 50 (Undermining the Constitutional System) and Article 51 (Waging War against the State) of the 1991 Penal Code. Both charges carry the possibility of the death penalty.” [16aq]

8.11 The report added that the alleged leader of the group, Mubarak al-Fadel al-Mahdi, the President of the opposition Umma Reform and Renewal Party was released from prison on 1 December after charges against him were dropped, but the General Secretary of the Party Abdel Jalil al-Basha was still in detention. [16aq]

- 8.12 Likewise the *Sudan Tribune* on 2 December 2007 also reported of the release of Mubarak al-Fadil. “The government has dropped the charges against Mubarak al-Fadil and he was set free’. ... After delays in transmitting the decision by the Sudanese general prosecutor to the prison authorities, Al-Fadil was released moments ago.” [12ae]
- 8.13 Al reported on 12 December 2007 that the Secretary of Media and Culture for Khartoum State for the Sudan People’s Liberation Movement (SPLM), Ammar Najm Eddine Jalak was arrested by members of the National Intelligence and Security Service (NISS) at Khartoum airport 23 November 2007 on way to Juba in Southern Sudan. “There were no reported witnesses to his arrest though he did manage to send a text message to his wife informing her of his detention. He is currently being held in incommunicado detention and is at risk of torture or other ill-treatment.” [16r]
- 8.14 Human Rights Watch (HRW) in its 2008 world report of events in 2007 recorded that, “... Security forces killed and injured seven people involved in protests against two dam projects in northern Sudan, and injured and arrested many others. Restrictions on freedom of expression persist, along with arbitrary arrests and detention of journalists, activists and others.” [19b]

ARMED FORCES

- 8.15 The Republic of Sudan has three legally regulated armed forces: the Sudanese Armed Forces are the regular government military, which operate throughout the country; the Sudan People’s Liberation Army (SPLA) is the regular military force of the Government of Southern Sudan; and, the Popular Defence Force is an armed force linked to the ruling party of northern Sudan and to armed groups raised from rural ethnic groups. A fourth group, the Joint Integrated Units, composed of units from SPLA and the Sudanese Armed Forces, was established by the Comprehensive Peace Agreement to form the nucleus of a unified army if southern Sudan decides against independence in the referendum scheduled for 2011. (UN Security Council Secretary-General’s Report 17 August 2006) [6J] (P3) In addition to these legally regulated forces, there are numerous non-legal forces operating in the Sudan. During the civil war in southern Sudan and the transitional areas, the Sudanese Armed Forces used non-legal militias to control territory. The Comprehensive Peace Agreement refers to these non-legal militias as other armed groups. There were over 50 such groups brought together under the South Sudan Defence Forces (SSDF), an umbrella organisation that was nominally led by Major General Paulino Matiep of the South Sudan Unity Movement (SSUM) but was effectively under the control of the military intelligence division of the Sudanese Armed Forces. (UN Security Council Secretary-General’s Report 17 August 2006) [6J] (P3)
- 8.16 The Report of the International Commission of Inquiry (UN ICI) on Darfur to the United Nations Secretary-General (UN SG), published in January 2005, stated that:
- “The Sudanese armed force is a conventional armed force with a mandate to protect and to maintain internal security. It carries out its mandate through an army, including Popular Defence Force militia and Borders Intelligence, as well as an air force and navy. According to information received by the

Commission, currently the army numbers approximately 200,000 in strength, although its logistical capacity was designed for an army of 60,000. Support, in particular air support, therefore goes primarily to priority areas and is re-deployed only after those areas have calmed down. The central command and control of armed forces operations are therefore imperative.” [6e] (p27)

- 8.17 The *Sudan Tribune* reported on 15 January 2008 a deliberate attack by Khartoum military forces on a UNAMID convoy. The motive for the attack according to the report, was to hinder the movement of UNAMID forces during night hours and to serve as a warning that UNAMID would be restricted in the same ways that the African Union mission in Darfur (AMIS) was restricted from the time of its early deployment in 2004. [12ag]

“At approximately 10pm on January 7, 2008 Khartoum’s regular Sudan Armed Forces (SAF) attacked, deliberately and with premeditation, a convoy belonging to the UN/African Union Mission in Darfur (UNAMID). The convoy, comprising more than 20 cargo trucks and armoured personnel carriers (APC’s), came under heavy, sustained fire near Tine, West Darfur. One truck was destroyed, an APC was damaged, and a driver was critically wounded with numerous bullet wounds. The SAF assault on the convoy lasted 10-12 minutes, during which time UNAMID military personnel did not return fire. [12ag]

SECURITY FORCES: SOUTH SUDAN

- 8.18 Article 162 of the Interim Constitution of Southern Sudan (ICSS), signed into law on 5 December 2005, states:

- “(1) There shall be established a police service to be known as the Police of Southern Sudan which shall be a decentralized professional service force whose mission is to prevent, combat and investigate crime, maintain law and public order, protect the people of Southern Sudan and their properties, and uphold and enforce this Constitution and the law,
- (2) The Police Service shall be organized at the level of Southern Sudan and states of Southern Sudan; its organization, structure, functions, powers and terms of service shall be regulated by law,
- (3) The police service shall be headed by an Inspector-General of Police to be appointed by the President of the Government of Southern Sudan on the recommendations of the minister in charge and approval of the Council of Ministers,
- (4) The Police of Southern Sudan shall be governed by this Constitution and the law. It shall respect the will of the people, the rule of law and order, civilian government, democracy and human rights. [94b] (p63)

- 8.19 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the New Sudan Police Act and Police General Regulation Act, 2003 were enacted and are currently in use. The Laws will need to be amended slightly to put them in line with the CPA which is currently done by a team of lawyers of the Ministry of legal Affairs and Constitutional Development.” [20a] (p2-3)

- 8.20 The Police Act states that:

“The Police shall be deployed for the prevention and detection of crime and prosecution of offenders on behalf of the Attorney General and shall report back to the same on all steps taken in that regard. The Police shall also be responsible for apprehension of offenders, maintenance of public order and public security, safety of persons and property, fulfillment [sic] of any obligations under law and regulations it shall also be responsible for the custody of any unclaimed properties.” [18e] (Police Act: Chapter 3, Section 10)

- 8.21 The Police Act also records the duties and expectations of officers of the law, whilst the Police General Regulation Act details the organisation, titles and seniority within the force, and other aspects such as training and recruitment. [18e] (Police Act) [18f] (Police General Regulation Act)
- 8.22 The USSD report for 2006, noted “According to UNMIS, police in Southern Sudan lacked resources to effectively protect the local population. ... Local police also complained that SPLM officials routinely intervened in police affairs, forcing police to release relatives and friends without following legal procedures.” [3a] (Section 1d)
- 8.23 AI reported in its 2007 annual report that clashes continued between the SPLA and government-supported militias, and between rival ethnic groups. “In Jonglei State scores of civilians were reportedly killed in April and May during clashes between armed groups and direct attacks on villages. Some 30 civilians were killed in Malakal in November in severe fighting between the SPLA and southern militias incorporated in the Sudanese armed forces.” [16y] (p2)
- 8.24 Noting that the civil war had ended, UN News reported on 15 March 2007 that:
- “While Darfur, where the Government, allied militias and rebels seeking greater autonomy have been fighting since 2003, is the story in the headlines, there are positive developments in Southern Sudan, where a separate two-decades-long civil war ended with a peace accord in 2005, and these should not go unrecognized.” [6ao]

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MILITARY SERVICE

- 9.01 Child Soldiers Global Report 2004 accessed 27 June 2007, states that the 1998 constitution provides for conscription. "Every citizen shall defend the country and respond to the call for national defence and national service. (Article 35). Under the National Service Law of 1992, all men between 18 and 33 years old are liable for military service. Military service is for 24 months, or 18 months for high school graduates and 12 months for university and college graduates. To obtain a secondary school certificate, a requirement to enter university, boys aged from 17 to 19 were obliged to do between 12 and 18 months compulsory military service under a 1997 Decree which was actively enforced up to 2003." [42a]
- 9.02 Article 18 of the Interim National Constitution (INC) stated that: "Defence of the Country is an honour and a duty of every citizen; the State shall care for the combatants, the afflicted in war, the families of martyrs and those missing in action." [94a] (p9)
- 9.03 The Immigration and Refugee Board of Canada (IRB), on 28 February 2007 provided the following information regarding military service in Sudan. [65k]
- "Information on the age of conscription for military service varied among the sources consulted by the Research Directorate. According to the Europa World Year Book 2006 and the United States (US) Central Intelligence Agency (CIA) World Factbook, persons between the ages of 18 to 30 years are liable for national military service (Europa World Year Book 2006, 4095; US 8 Feb. 2007). However, the Child Soldiers Global Report 2004 indicates that under Sudan's National Service Act of 1992, persons between the ages of 18 to 33 years must submit to national military service (Coalition to Stop the Use of Child Soldiers 17 Nov. 2004; Denmark 2001, 68). The report also indicates that the compulsory recruitment age is 17 years for the regular armed forces and 16 years for the paramilitary Popular Defence Force (PDF), while there is no minimum age for the reserve forces and for persons volunteering in the regular armed forces (Coalition to Stop the Use of Child Soldiers 17 Nov. 2004). Country Reports on Human Rights Practices for 2005 indicates that persons aged 17 to 19 were required to undergo military service (8 Mar. 2006, Sec. 5)." [65k]
- 9.04 IRB added that:
- "Desertion from Sudan's national service is punishable by a jail term of up to three years (SHRO June 2003; Denmark 2001, 73). Deserters could also reportedly be fined (ibid.). According to Sudan's 1992 National Service Act, provided in the 2001 Danish fact-finding mission report, those who fail to present themselves for recruitment, or try to avoid military service "through deceit, or by inflicting any harm to [themselves]" could face a two- to three-year jail term (ibid.; see also The Des Moines Register 24 Dec. 2005)." [65k]
- 9.05 The Danish Fact Finding Mission (FFM) of 2000 reports that "Military service is compulsory for all males aged 18 and over, the recruitment age being adjusted from time to time." [23a] (p36)

- 9.06 War Resisters' International's 1998 survey noted that: "According to the law, women are also liable for military service, but they are not called up in practice." It also noted: "According to the 1992 law, those called up for military service are not allowed to follow an education or get a job. Men of conscription age are forbidden to leave the country for any reason (art. 20)." [21a] (Section 3)
- 9.07 The International Committee of the Red Cross' 2004 Annual Report stated that: "The Sudanese national security forces signed an agreement on 5 June [2004] to launch a training programme on International Humanitarian Law (IHL) and international human rights law." [22a] (p105)
- 9.08 The Report continued:
- "In the field, improved access in the south meant the ICRC gave more presentations and workshops on IHL and international human rights law to military, security and police forces stationed in conflict-affected areas. In Darfur, ICRC staff seized every opportunity to give ad hoc briefings on IHL and international human rights law to armed, security and police forces. As its mandate became better known, it organized comprehensive presentations on IHL, such as a three-day workshop in El Fasher for high-ranking army officers. The ICRC also conducted sessions on IHL and the ICRC for newly arrived African Union troops." [22a]
- 9.09 The 2005 International Committee of the Red Cross Annual Report stated that:
- "The ICRC stepped up IHL training for all armed groups in Darfur and had frequent contact with both the African Union Mission in Sudan (AMIS) and the UN Mission in Sudan. The organization also initiated IHL training for the Joint Integrated Units. As defined in the comprehensive peace agreement, the units made up a unified force of around 40,000 Sudanese army and SPLM/A troops." [22b]
- See also [Children](#)

POPULAR DEFENCE FORCES (PDF)

- 9.10 The Danish Fact Finding Mission of 2001 reported that: "Besides the regular Sudanese army the National Congress (NC) party has its own military branch called the Popular Defence Forces (PDF)." [23b] (p35) The PDF was created by the Government in 1990 and has its legal basis in the Popular Defence Forces Act 1989. (War Resisters International, 1998) [21a] The Danish 2001 Fact Finding Mission reported that: "Under the 1989 Popular Defence Forces Act (attached as Annex 5 [of the Report]), PDF recruits must be at least 16 years old and Sudanese citizens. In 1992 service in the PDF became obligatory for all students, both male and female. Completion of service was a precondition for entering further education." [23b] (p37)
- 9.11 The January 2005 Report of the International Commission of Inquiry (UN ICI) to the United Nations Secretary-General (UN SG) states that:
- "For operational purposes, the Sudanese armed forces can be supplemented by the mobilization of civilians or reservists into the Popular Defence Forces

(PDF) ... According to information gathered by the Commission, local government officials are asked by army Headquarters to mobilize and recruit PDF forces through tribal leaders and sheikhs. The Wali is responsible for mobilization in each State because he is expected to be familiar with the local tribal leaders.” [6e] (p28)

- 9.12 WRI’s 1998 Survey stated: “PDF training involves military training, civil defence training and patriotic and cultural education (1989 law, art. 14) and is considered to be an instrument of religious indoctrination.” [21a] The Danish FFM report 2001 noted: “The PDF training contained a considerable element of Islamisation, and many Christian students therefore had serious problems when they were recruited to the PDF.” [23b] (p37) The Report also noted that although women were recruited into the PDF on a voluntary basis, they were not sent on active service, although “There were women’s battalions which stayed behind the front lines where recruits worked as nurses, etc.” [23b] (p39)
- 9.13 The UN ICI recorded that “One senior commander explained the recruitment and training of PDF soldiers as follows:

“Training is done through central barracks and local barracks in each state. A person comes forward to volunteer. We first determine whether training is needed or not. We then do a security check and a medical check. We compose a list and give it to the military. This is done at both levels – Khartoum and state or local level. We give basic training (for example, on the use of weapons, discipline, ...) [sic] which can take two weeks or so, depending on the individual.”

“A person may come with a horse or camel – we may send them into military operations on their camel or horse. ... Recruits are given weapons and weapons are retrieved again at the end of training.” [6e] (p28)

EXEMPTIONS, PARDONS AND POSTPONEMENTS

- 9.14 The National Service Act 1992, contained in Annex 4 of the Danish 2001 FFM Report, detailed the conditions to be met by Sudanese citizens to qualify for an exemption, pardon or postponement of their military service. [23b] (p69-72)

CONSCIENTIOUS OBJECTION, DESERTION AND EVASION

- 9.15 The National Service Act 1992, contained at annex 4 of the Danish 2001 FFM Report outlines the general laws and penalties of avoiding or postponing military service. [23b] (p73) War Resisters’ International’s 1998 Survey noted that: “The right to conscientious objection is not legally recognised.” [21a] It also stated that: “Avoiding military service is punishable by two to three years’ imprisonment (National Service Law, art. 28).” [21a]

RECRUITMENT/CONSCRIPTION

- 9.16 “The 1992 National Service Law was introduced in an attempt to meet [the] increasing personnel needs of the armed forces.” (War Resisters’ International’s 1998 Survey). [21a] The USSD report for 2006 stated that: “The government continued to forcibly conscript citizens for mandatory military service as part of mandatory military service for male citizens.” [3a] (Section 1f)

The FCO, when commenting on the Government's current recruitment/conscription practices in its letter of February 2005, stated that: "The relevant authority puts an advertisement in the local media calling for young people to sign up." [4b]

- 9.17 The Danish FFM report of 2001 stated that during round-ups military personnel in civilian clothing stopped vehicles and "The authorities forced those passengers who were believed to be the right age for conscription and who could not prove that they had in fact already performed their military service to go with them to military training camps. Many of those who were recruited did not even have an opportunity to contact their parents or relatives to inform them of what had happened." [23b] (p35)
- 9.18 A December 2002 Canadian Immigration and Refugee Board (IRB) Research Directorate enquiry response described "The process for reporting for military service; how recruitment calls are made; [and] exemptions from service." [65h] (p1) In addition to the above methods of call-up the chairman of the Sudan Human Rights Group (SHRG), who was consulted by the IRB, stated that local radio and television announcements occurred asserting that all men eligible for military service should gather together at a specific place, at a certain hour and date. [65h] (p1)
- 9.19 The same report reported the Chairman of the SHRG's comments that "...in case of emergency, that is to say, urgent need for fighters, the Military Police usually close main highways and roads and check the passengers and arrest those persons who are eligible for service". [65h] (p1) However, in comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that: "Some three years ago the government stopped rounding up young men in the cities to conscript them into National Service. Students are now required to undergo 45 days to 2 months military training prior to entering University and then serve one year National service upon graduation. National service can be in the army or in governmental institutions depending on profession and state of health." [20a] (p4)
- 9.20 Child Soldiers Global Report 2004 accessed 27 June 2007 notes:

"According to the People's Armed Forces Act of 1986, all those who are fit and healthy and capable of bearing arms are regarded as a reserve force and may be called upon to serve in the armed forces whenever the need arises (Article 10). They may also be required to undergo military training." [42a] Furthermore, the government Popular Defence Forces (PDF), established as a paramilitary force in 1989 by the Popular Defence Forces Act, are allowed to recruit 16 year olds. Although Sudan reported to the UN Committee on the Rights of the Child that enlistment in the PDF is voluntary, forced recruitment has allegedly occurred." [42a]

FORCED CONSCRIPTION

- 9.21 The USSD report for 2006 recorded that "A large number of children suffered abuse, including abduction, enslavement, and forced conscription. There were reports that government and government-aligned militias conscripted children and accepted children as soldiers." [3a] (Section 5)
- 9.22 The US State Dept Trafficking in Persons Report, June 2006 reported that:

“The terrorist rebel organization ‘Lord’s Resistance Army’ (LRA) continues to abduct and forcibly conscript small numbers of children in Southern Sudan for use as cooks, porters, and combatants in its ongoing war against the Government of Uganda; some of these children are then trafficked across borders into Uganda or possibly the Democratic Republic of the Congo. Sudanese children are utilized by rebel groups in Sudan’s ongoing conflict in Darfur; the Sudanese Armed Forces and associated militias reportedly continue to utilize children in this region. Vulnerable boys often perceive that voluntarily attaching themselves to an armed group, whether a rebel militia or the Sudanese Armed Forces (SAF), is their best option for survival. Forcible recruitment of adults and particularly children by virtually all armed groups involved in Sudan’s recently ended North-South civil war was commonplace; thousands of children now require demobilization and reintegration into their communities of origin.” [3k] (U.S. State Dept Trafficking in Persons Report, June, 2006).

MILITARY SERVICE: WEST SUDAN (DARFUR)

- 9.23 Save the Children (UK) published a Report, ‘Child Protection in Darfur’, in September 2004, in which the organisation expressed its concerns regarding the apparent forced conscription of children by government/government-allied forces and rebel groups in Darfur. [24a] (p5) The report also stated that some children might also have ‘volunteered’ in an effort to protect themselves or their families but stressed that even the ‘voluntary’ recruitment of minors is a violation of their rights and, in the case of children under the age of 15, such a practice constitutes a war crime. [24a] (p5)
- 9.24 The USSD report for 2006 also stated that: “The Government continued to forcibly conscript citizens for military service as part of mandatory military service for male citizens, and government-allied forces and rebels continued to recruit and accept child soldiers in Darfur.” [3a] (Section 1f)

MILITARY SERVICE: SOUTH SUDAN

- 9.25 Article 45 of the Interim Constitution of Southern Sudan (ICSS) states that: “(1) Defence of Southern Sudan in particular, is an honour and duty of every citizen in Southern Sudan without prejudice to Article 18 of the Interim National Constitution. (2) The law shall provide for the combatants, the wounded, the families of martyrs and those missing in action.” [94b] (p16)
- 9.26 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the New Sudan SPLA (Sudan People’s Liberation Army) Act, 2003 was enacted and is currently in use. [20a] (p2) UNHCR also notes that “The laws will need to be amended slightly to put them in line with the CPA which is currently done by a team of lawyers of the Ministry of Legal Affairs and Constitutional Development.” [20a] (p3)
- 9.27 The SPLA Act, 2003 describes the structure of the force:
- “(1) The SPLA shall comprise of:-
- (a) The Forces known as the SPLA immediately before the commencement of this Act;
 - (b) Any person enrolled or enlisted under this Act;

(c) Reserves.

“(2) The SPLA shall be divided into:-

- (a) An Active List;
- (b) A Reserve List.” [18g] (SPLA Act: Chapter I, Section 4)

9.28 Chapter II of the Act contains the provisions for commissioning, enrolment, enlistment, appointments and transfers, whilst Chapter III describes the provisions for dismissal and discharge from the SPLA. [18g] (SPLA Act: Chapters II & III, Sections 7-15) Chapters IV and V refer to the offences members of the SPLA could be charged with, and the respective punishment for each offence. [18g] (SPLA Act: Chapters IV & V, Sections 8-46) Chapter VI prescribes the various types of punishment in more general terms, which include but are not confined to:

- “(a) Imprisonment (which may be in a normal prison or military camp or in a labour camp in case of productive punishment);
- (b) Death which may be executed by a firing squad or by hanging the condemned person by the neck until he is dead;

“Provided that the death sentence shall not be passed on persons under the age of 18 years, pregnant or sucking [sic] women or persons above the age of 70 years;

- (c) Fine (which may be in the form of money, cattle or any other property current in each area);
- (d) Forfeiture of property (the ownership of which passes to the Civil Authority of New Sudan (CANS);
- (e) Field punishment (which may be passed in lieu of or in addition to any other lawful sentence);
- (f) Whipping (which may be passed in lieu of any other sentence).” [18g] (SPLA Act: Chapter VI, Section 47)

9.29 The International Committee of the Red Cross’ Annual Report for 2004 stated that: “The SPLM/A taught IHL [International Humanitarian Law] at its main training centre, the Institute for Strategic Studies, but had not yet integrated the subject into all its training programmes. As support, the ICRC trained 30 SPLA officers as IHL instructors.” [22a] (p106) The ICRC’s 2005 Annual Report has since reported: “The ICRC stepped up IHL training for all armed groups in Darfur and had frequent contact with both the African Union Mission in Sudan (AMIS) and the UN Mission in Sudan. The Organization also initiated IHL training for the joint integrated Units. As defined in the Comprehensive Peace Agreement, the units made up a unified force of around 40,000 Sudanese army and SPLM/A troops. [22b] (p119)

FORCED CONSCRIPTION: SOUTH SUDAN

9.30 Reports of continued extortion and forced conscription by local militias in south Sudan is recorded by various sources, children being the main target. [10r]; [10t]

9.31 The USSD report for 2006 reported that

“Antigovernment and insurgent groups also committed numerous, serious abuses. Factions of the SLA, the Justice and Equality Movement (JEM) and other rebel groups in Darfur committed killings, beatings, abductions, rape, and robbery, destruction of property, forcible conscription, and recruitment of child soldiers.” [3a] (p2)

See also [Children](#)

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JUDICIARY

10.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 19 February 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 34 of the INC states that:

- “(1) An accused is presumed to be innocent until his/her guilt is proved according to the law.
- (2) Every person who is arrested shall be informed, at the time of arrest, of the reasons for his/her arrest and shall be promptly informed of any charges against him/her .
- (3) In all civil and criminal proceedings, every person shall be entitled to a fair and public hearing by an ordinary competent court of law in accordance with procedures prescribed by law.
- (4) No person shall be charged of any act or omission which did not constitute an offence at the time of its commission.
- (5) Any person shall be entitled to be tried in his/her presence in any criminal charge without undue delay; the law shall regulate trial in absentia.
- (6) Any accused person has the right to defend himself/herself in person or through a lawyer of his/her own choice and to have legal aid assigned to him/her by the State where he/she is unable to defend himself/herself in serious offences.” [94a] (p14)

10.02 Article 123 of the INC records that:

- “(1) The National judicial authority in the Republic of the Sudan shall be vested in the National Judiciary.
- (2) The National Judiciary shall be independent of the Legislature and the Executive, with the necessary financial and administrative independence.
- (3) The National Judiciary shall have judicial competence to adjudicate on disputes and render judgments in accordance with the law.
- (4) The Chief Justice of the Republic of the Sudan, who is the head of the National Judiciary and the President of the National Supreme Court, shall be answerable to the President of the Republic for the administration of the National Judiciary.
- (5) All organs and institutions of the State shall execute the judgments and orders of the courts.” [94a] (p48)

10.03 The USSD report for 2006 stated that:

“Although the interim constitution and the law provide for an independent judiciary, the judiciary was largely subservient to the president or the security forces, particularly in cases of crimes against the state. On occasion courts displayed a degree of independence. For example, appeals courts overturned several decisions of lower courts in political cases, particularly decisions from public order courts. However, political interference with the courts regularly occurred.” [3a] (Section 1e)

10.04 The report also noted that:

“The law provides for fair and prompt trials; however, this was often not respected. ... The accused normally have the right to an attorney, and the courts are required to provide free legal counsel for indigent defendants accused of crimes punishable by death or life imprisonment; however, there were reports that defendants frequently did not receive legal counsel and that counsel in some cases could only advise the defendant and not address the court. There were reports that the government sometimes denied defence counsel access to the courts or did not allow the calling of defence witnesses.” [3a] (Section 1e)

10.05 Further:

“Lawyers wishing to practice were required to maintain membership in the government-controlled bar association. The government continued to harass members of the legal profession whom it considered political opponents.” [3a] (Section 1e)

10.06 ReliefWeb reported on 14 March 2007 that the first legal aid network has been established in Sudan:

“The Legal Aid Department of the Ministry of Justice, in partnership with the United Nations Development Programme (UNDP), the International Rescue Committee (IRC), and the People’s Legal Aid Centre (PLACE) launched yesterday (13 March 2007) the first Legal Aid Network in Sudan. The event marks the end of an intensive one-week workshop that brought together 136 community paralegals, also known as legal mediators, and lawyers from Kassala, Damazin, Lagawa, Dilling, Kadugli, Abyei, and Khartoum. The launch of the Legal Aid Network in Sudan marks the adoption of a common platform for the Sudanese paralegals and lawyers who provide legal assistance to the communities across the country.” [68a]

10.07 Stressing the importance of this event, the report added: “Establishing the Legal Aid Network in Sudan is essential in the broader context of training trainers on Human Rights and offering legal aid services, especially to the poor and vulnerable groups.” [68a] Furthermore, “The launch of this Network is a starting point for the establishment and strengthening of the relationship between UNDP Sudan, the Department of Legal Aid of the Ministry of Justice, and the civil society organizations working in this field. God willing, we will work together so that the principles of rule of law will reach every citizen”. [68a]

STRUCTURE

10.08 Article 124 of the INC records that: “The National Judiciary shall be structured as follows: (a) A National Supreme Court, (b) National Courts of Appeal, (c) Other national courts or tribunals as deemed necessary to be established by law.” [94a] (p48) Article 130 of the INC states that: “(1) Having regard to competence, integrity and credibility, the Chief Justice of the Republic of the Sudan, his/her deputies, Justices and Judges shall be appointed by the President of the Republic in accordance with Article 58 (2) (c) herein, where applicable, and upon the recommendation of the National Judicial Service Commission. (2) The law shall determine the terms of service, discipline and immunities of Justices and Judges. (3) Southern Sudan shall be adequately represented in the National Supreme Court and other national courts that are situated in the National Capital.” [94a] (p50)

10.09 The USSD report for 2006 stated that:

“The judicial system includes four types of courts: regular, military, special, and tribal courts. Within the regular court system, there are civil and criminal courts, appeals courts, and the Supreme Court. Military courts tried only military personnel but did not provide the same rights as civilian and criminal courts. Special courts in Darfur operated under the state of emergency to try crimes against the state; there were three such courts, one in each Darfur capital. Tribal courts functioned in rural areas to resolve disputes over land and water rights, and family matters.” [3a] (Section 1e)

10.10 The report added:

“The Criminal Act governs criminal cases, and the Civil Transactions Act applies in most civil cases. Shari’a is applied in the north, but not in the south, under the interim constitution. However, some judges in the south reportedly continued to follow Shari’a legal procedures. And that ‘the Government of Southern Sudan adopted a new penal code in October based on common law’.” [3a] (Section 1e)

10.11 Article 156 of the INC states, with regard to the National Capital, Khartoum, that: “(d) the judicial discretion of courts to impose penalties on non-Muslims shall observe the long-established *Sharia* principle that non-Muslims are not subject to prescribed penalties, and therefore remitted penalties shall apply according to law.” [94a] (p62) Article 157 continues: “(1) The Presidency shall establish in the National Capital a special commission for the rights of Non-Muslims which shall have the following functions:- (a) to ensure that the rights of Non-Muslims are protected in accordance with the general principles provided for under Articles 154 and 156 of this Constitution, (b) ensure that Non-Muslims are not adversely affected by the application of the Sharia law in the National Capital. (2) The special commission shall submit its observations and recommendations to the Presidency.” [94a] (p62)

10.12 The Sudan Organisation Against Torture’s (SOAT) April 2004 Report on Reformatories in Sudan records that: “There is an active juvenile [sic] court [in] Khartoum that has been established as a pilot project in 1999 in Khartoum North....Recently, there are two juveniles’ courts in other states (Gadarif and Kosti).” [15b] (p1) The Report further states that: “The court applied the code of criminal procedure 1991 in general because the juvenile Welfare act 1983 [sic] did not provide special procedures for handling the cases under it.” [15b] (p5) The report also states that: “The administrative structure of the court is the same as the structure of ordinary courts in the Sudan.” [15b] (p5) The Report added: “Establishing the juvenile’s court has had a tremendous impact on the lives of children who came into conflict with the law in Khartoum State.” [15b] (p5)

10.13 (SHRO-Cairo) Human Rights Quarterly report of January 2007 states in relation to judicial reform that:

“The failures of the GONU as led by the NIF/Congress ruling party have manifested themselves beyond any reasonable doubt in the situation of the Judiciary. The Sudanese Judiciary is a vital source of stability for the upcoming peace and regular democracy in Sudan. The situation of the

judiciary under the NIF Salvation Revolution, however, declined to its most derailing conditions since the nation's independence. Early documented [sic] by the American Lawyers (1990), the judiciary became a favourable prey of the military regimes that succeeded the short-lived civilian governments of the country; thus adding accumulated intrusions by the executive and legislative powers over the judicial authority." [17m]

WEST SUDAN (DARFUR)

10.14 The USSD report for 2006 stated that: "Special courts in Darfur operated under the state of emergency to try crimes against the state; there were three such courts, one in each Darfur capital." [3a] (Section 1e) Furthermore, "The Special Courts Act created special three-person security courts to deal with violations of constitutional decrees, emergency regulations, and some sections of the Penal Code, as well as with drug and currency offences. Special courts, composed primarily of civilian judges, handled most security-related cases. Attorneys could address the court." [3a] (Section 1e)

10.15 In December 2004 Amnesty International released a report entitled 'Sudan: The Specialised Criminal Courts in Darfur', which stated that:

"Special Courts instituted by decrees under a 2001 State of emergency in Darfur were reformed into 'Specialised Criminal Courts' in all three states of Darfur in March 2003, following another decree by the Chief Justice in Khartoum. Jurisdiction over offences such as armed robbery and haraba (banditry); unlicensed possession of firearms; crimes under articles 50-57 of the Penal Code (offences against the State); public order offences; and 'anything else considered a crime by the Governor of the State or the Head of the Judiciary' (Article 4) was passed onto these new Courts." [16b] (p1)

10.16 The report continued:

"The Specialised Criminal Courts are defended by the Sudanese authorities as a notable improvement for the rights of defence; in particular they are now headed by only one civilian judge, compared to the Special Courts which were also headed by members of the security forces. According to the Ministry of Justice, the Specialised Criminal Courts are formally under the responsibility of the judiciary; they have been established for reasons of 'expediency'. However lawyers in Darfur see little difference between the Special Courts and the Specialised Criminal Courts. Many of the flaws remain." [16b] (p1)

10.17 The USSD report for 2006 stated that:

"Lawyers complained that they were sometimes granted access to court documents too late to prepare an effective defense. Sentences were usually severe and implemented at once; however, death sentences were referred to the chief justice and the head of state. Defendants could file appellate briefs with the chief justice. The defendant has seven days to appeal a decision; the decision of the appeal court is final." [3a] (Section 1e)

JUDICIARY: SOUTH SUDAN

10.18 Article 132 of the INC recorded that: "The President of Government of Southern Sudan shall, within one week after the adoption of the Interim

Constitution of Southern Sudan, appoint, without prejudice to Article 130 (1) herein, the President and Justices of Southern Sudan Supreme Court, Judges of Courts of Appeal and other courts having regard to competence, integrity, credibility and impartiality as shall be determined by that Constitution and the law.” [94a] (p50)

- 10.19 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. (UN Secretary-General’s report on the Sudan, 21 December 2005) [6c] (para 4) [94b] (p8-9) Article 23 of the ICSS states that:

“(1) An accused is presumed to be innocent until his or her guilt is proved according to the law.
 (2) Any person who is arrested shall be informed, at the time of arrest, of the reasons for his or her arrest and shall be promptly informed of any charges against him or her.
 (3) In all civil and criminal proceedings, every person shall be entitled to a fair and public hearing by a competent court of law in accordance with procedures prescribed by law.
 (4) No person shall be charged with any act or omission which did not constitute an offence at the time of its commission.
 (5) Every accused person shall be entitled to be tried in his or her presence in any criminal trial without undue delay.
 (6) Any accused person has the right to defend himself or herself in person or through a lawyer of his or her own choice and to have legal aid assigned to him or her by the government where he or she is unable to defend himself or herself in serious offences.” [94b] (p8-9)

- 10.20 An undated article on the Gurtong Peace Project website recorded that the 29 laws of the New Sudan were signed by the then SPLM/A Chairman, the late John Garang, on 26 June 2003, and four draft laws signed on 17 April 2004. [18a] The article also remarked that: “After the signing of the peace agreement, the laws will have to change; there will be new laws which will respond to the new situation and to the future environment of cooperation and peace.” [18a] In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the New Sudan Judiciary Act, 2003 was enacted and is currently in use. [20a] (p2) UNHCR also noted that: “The Laws will need to be amended slightly to put them in line with the CPA which is currently done by a team of lawyers of the Ministry of legal Affairs and Constitutional Development.” [20a] (p3)

- 10.21 The Act itself states that: “Judicial powers in the New Sudan shall be vested in an independent body to be known as ‘The Judiciary’ and shall in the discharge of its duties be directly responsible to the Chairman [of the SPLM and Civil Authority of the New Sudan (CANS)].” [18d] (Judiciary Act: Chapter 1, Section 4) as to the Powers and jurisdiction of the Courts:

“(1) Court shall have powers to determine all the disputes and try all the cases other than those excepted by law.
 2) Every Court shall have the power to determine matters submitted to it in accordance with the Law.
 3) Courts shall not directly or indirectly adjudicate upon acts of sovereignty.” [18d] (Judiciary Act: Chapter 1, Section 6)

- 10.22 The USSD report for 2006 noted that:

“Shari’a law is applied in the north, but not in the south, under the interim constitution. However, some judges in the south reportedly continued to follow Shari’a legal procedures. In the south the Government of Southern Sudan employed a judicial system of traditional chiefs’ courts, payam (district) courts, county judges, regional judges, and a court of appeals.” [3a] (Section 1e)

10.23 The report added:

“The court system did not function in many areas due to lack of infrastructure, communications, funding, and an ineffective police force. The Government of Southern Sudan recognized traditional courts or ‘courts of elders’, which applied customary law to most cases, including domestic matters and criminal cases. Local chiefs usually presided over traditional courts, but defendants have a right of appeal to a non-customary court, although there were no reports that this has happened in practice. Traditional courts have now been formalized and integrated into the judicial system.” [3a] (Section 1e) Furthermore: “In parts of the South and the Nuba Mountains where civil authorities and institutions did not operate, there were no effective judicial procedures. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially for offences against civil order.” [3a] (Section 1e)

11.24 The USSD report 2006 further noted that:

“In accordance with Shari’a (Islamic law), the Criminal Act provides for physical punishments, including flogging, amputation, stoning, and ‘crucifixion’ – the public display of a body after execution. Under the interim constitution, the government officially exempts the 10 southern states from Shari’a law, though some judges in the south reportedly still observed it. Northern courts routinely imposed flogging, especially for production of alcohol.” [3a] (Section 1c)

STRUCTURE: SOUTH SUDAN

10.25 The New Sudan Judiciary Act, 2003 states that:

“The New Sudan Courts shall be classified as follows:-

- a) Court of Appeal.
- b) High Courts.
- c) County Courts.
- d) Payam Courts.
- e) Regional Courts.
- f) Chiefs Courts.
- g) Any other Court established by law specifying its constitution, the seat and jurisdiction thereof.” [18d] (Judiciary Act: Chapter 1, Section 5)

10.24 Chapter 2 of the Act went on to describe the establishment, constitution, powers and jurisdiction of each court. [18d] (Judiciary Act: Chapter 2, Sections 8-19) Chapter 3 detailed the provisions for the appointment of judges at each court level. [18d] (Judiciary Act: Chapter 3, Sections 20-28)

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ARREST AND DETENTION – LEGAL RIGHTS

- 11.01 Article 29 of the Interim National Constitution (INC) which was signed on 9 July 2005 states that: “Every person has the right to liberty and security of person; no person shall be subjected to arrest, detention, deprivation or restriction of his/her liberty except for reasons and in accordance with procedures prescribed by law.” [94a] (p13) (BBC Timeline, updated 19 February 2008) [9a], While Article 34 states: “(2) Every person who is arrested shall be informed, at the time of arrest, of the reasons for his/her arrest and shall be promptly informed of any charges against him/her.” [94a] (p14)
- 11.02 The USSD report 2006 stated that: “The law prohibits arbitrary arrest and detention without charge; however, the government continued to use arbitrary arrest and detention under the state of emergency provisions (until July 9) or under the National Security Act.” [3a] (Section 1d) The report further noted that: “Warrants are not required for an arrest, however, under the Criminal Code, an individual may be detained for 3 days without charge, which can be extended for 30 days by order of the director of security and another 30 days with the approval of the prosecuting attorney.” [3a] (Section 1d)
- 11.03 In January 2005, the Report of the International Commission of Inquiry (UN ICI) on Darfur to the United Nations Secretary-General (UN SG) was published; it reports that: “The Commission noted that the National Security Force Act, as amended in 2001, gives the security forces wide-reaching powers, including the power to detain without charge or access to a judge for up to nine months.” [6e] (p31)
- 11.04 The USSD report of 2006 (published 2007) noted that: “The law allows for bail, except for those accused of crimes punishable by death or life imprisonment, and there was a functioning bail system.” [3a] (Section 1d) The report continued that the government routinely used house arrest without due process, stating “there were credible reports that security forces held detainees incommunicado; beat them; deprived them of food, water, and toilets; and forced them to sleep on cold floors.” [3a] (Section 1c, 1d)

ARREST AND DETENTION – LEGAL RIGHTS: SOUTH SUDAN

- 11.05 USSD report for 2006 stated that: “The SPLM/A released approximately 500 prisoners of war (POWs) within their territories during the year. The government did not acknowledge holding any POWs; the SPLM alleged that government-held POWs were killed during the years of fighting.” [3a] (Section 1g) The International Committee of the Red Cross (ICRC) recorded on 3 August 2005 that: “Around 300 people formerly held by the Sudan People’s Liberation Army (SPLA) were freed at the beginning of July and returned to Khartoum. Most of them had been held for a period of several years, and some for up to fifteen years.” [22e]
- 11.06 In a press release dated August 23 2007, The Sudan Human Rights Organisation (SHRO) urged the government to put an end to the ‘continuous violations of the Sudanese constitutional rights’ in the country. SHRO urged the Sudanese authorities to grant the immediate release of Nubian Archaeologist Muhammad Jalal Hashim from arbitrary detention and asked

the National Unity of Government to release political detainees, including Ali Mahmoud Hasanain, Mubarak al-Fadil al-Mahdi, and all their colleagues from unlawful detention in full compliance with the Interim Constitution. [17n] The report stated: "The Organization condemns in the strongest terms possible the Government's repressive treatment of the Sudanese scientist Jalal, including intimidating dictates to force him to abandon all public or personal support to the national popular campaign against the Kajbar Dam." [17n]

- 11.07 SOAT and the FIDH both reported on 23 July 2007 and 26 July respectively that:

"The Observatory has been informed by the Sudan Organisation Against Torture (SOAT) regarding the arbitrary arrest and enforced disappearance of Mr. Osman Ibrahim, spokesperson of the Committee against the Kajbar Dam, a group campaigning on behalf of the communities which are at risk of being affected by this dam. According to the information received, on July 20, 2007, Mr. Osman Ibrahim was arrested by police officers early in the morning while at his home in Farraig village, Halfa municipality (Northern Sudan), without a warrant and without being informed of where he was being taken." [38d], [74a]

- 11.08 The reports added: "His arrest followed incidents reported on June 13, 2007, when Sudanese security forces killed and injured civilians in the Farraig village by shooting at them during a peaceful demonstration against the construction of the Kajbar dam in the area. On that occasion, several individuals were arrested and detained in Dongola, the capital of the northern State, and in Khartoum. As of the time of issuing this urgent appeal, Mr. Ibrahim's whereabouts remain unknown." [38d], [74a]

- 11.09 AI noted in its 2007 annual report that arbitrary detentions were widespread. [16y] (p3) In the same report AI reported that the security forces, in particular the National Security Agency, arbitrarily detained people incommunicado and without charge or trial. "Ali Hussein Mohammed Omar and two other members of the Beja Congress were arrested in March in Kassala, ill-treated and held for 10 weeks in secret locations without being charged and without access to their families or lawyers." [16y] (p4)

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PRISONS AND PRISON CONDITIONS

STRUCTURE

12.01 The Sudan Organisation Against Torture's (SOAT's) Annual Report on Women Prison Conditions in Sudan, 2003, provided some background on the prison structure in Sudan. The Report stated that: "The prisons in Sudan are divided into five sections; Federal, Provincial, Regional and Central, Open and Semi-Open and Mental Asylums." [15c] (p1)

12.02 The Report noted that the seven different types of prisons house the following types of prisoner:

"Federal: repeat offenders, prisoners with special needs such as behavioural difficulties, those imprisoned for crimes regarding hudud (crimes where physical punishment for the offence is provided in law) and unusual practices like refusing to obey orders.

Provincial: first time offenders with medium- to long-term sentences, hudud prisoners from the provinces and those with special needs.

Regional and Central: repeat offenders with medium- to long-term sentences and first time offenders.

Open and Semi-Open camp: first-time offenders, according to their jobs, age and those with a 'positive attitude'.

Mental Asylum: those who have been sectioned under Article 4 of the criminal Act of 1991 and prisoners who are too mentally unstable to carry out their sentences in normal prison conditions." [15c] (p1-2)

PRISON CONDITIONS

12.03 The USSD report for 2006 stated that:

"Prison conditions remained harsh, overcrowded, and life threatening. Most prisons were old and poorly maintained, and many lacked basic facilities such as toilets or showers. Health care was primitive, and food was inadequate. Prison officials arbitrarily denied family visits to prisoners. High-ranking political prisoners reportedly often enjoyed better conditions than did other prisoners. ... The government did not permit regular visits to prisons by domestic human rights observers. In August 2005 the government agreed to allow unfettered access to UN monitors; however, on May 3, it denied a request by the UN High Commissioner for Human Rights to visit the NISS section of Khobar prison in Khartoum North (see section 1.e.). The government refused to grant the International Committee of the Red Cross (ICRC) access to government prisons during the year." [3a] (Section 1c)

12.04 Marawi and Kousti prison, according to SOAT's 2003 Report on Women Prisons, held both men and women prisoners. [15c] (p10, 11) The Report further stated that: "There are no health units at the prison [Marawi] as there are no medical staffs [sic]." [15c] (p11) However, in Kousti prison, SOAT reports that: "There are no serious health issues amongst the prisoners....There are medical units within the prison and in the past there was a medical assistant to overlook its operation, who looked after the health of prisoners." [15c] (p12)

WOMEN IN PRISON

- 12.05 SOAT's 2003 Report included information in varying detail on the living and health conditions in each of the prisons on which it reported. [15c] The Report noted that, in Omdurman, blankets and sheets were not provided by the state and the prison authorities depended on charities to provide them. [15c] (p7) The Report also stated that: "Prisoners suffering from poor health are relocated to Al Tigani Al Mahi hospital on Omdurman or the Central mental hospital in Kober (a department of the prison administration)." [15c] (p7)
- 12.06 SOAT's 2003 Report further noted that, in Kousti women's prison: "There are 45 inmates along with twelve accompanied children. Between the hours 5pm to 5am only one area a room is provided for them to reside in, this room does not have space for a quarter of the inmates....There are only 4 beds; these are the private property of some 4 persons of the inmates [sic]." [15c] (p13) The Report also noted that, in Kousti prison: "The prisoners' ankles are chained by manacles almost always, especially when they are visiting a hospital, they may even be chained together as a group." [15c] (p14)
- 12.07 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the majority of female inmates in Omdurman prison, Khartoum are held on charges of the illicit manufacture and distribution of alcohol, and that most of these women were internally displaced, living in camps on the outskirts of the capital: "Many are detained, in poor conditions, together with their small children, who range from newly born to 5 years of age." [20a] (p3)

See also [Women](#)

CHILDREN IN PRISON

- 12.08 USSD report of 2006 noted that "Juveniles often were held with adults and in some cases subjected to sexual abuse by the adult inmates." [3a] (Section 1c) UNHCR's comments to the APCI of 8 March 2006 note that: "Children are being imprisoned with adults, there aren't separate holding facilities." [20a] (p4) SOAT's 2003 Report on Women's Prisons noted that, in Kousti's mixed prison: "There is no separate section for minors and as they are not allowed according to law) [sic] to mix with the adult populations, so, they have to be imprisoned in solitary confinement." [15c] (p12) The Report also noted that, in Omdurman: "The children [imprisoned with their mothers] continue their education at Bayt al Maal Primary School (Omdurman district)." [15c] (p9)
- 12.09 The Sudan Organisation against Torture (SOAT), April 2004 Report on Reformatories in Sudan stated that "Since nineteen fifties, 6 reformatories were established in Sudan with the aim of separating juveniles in conflict with the law from adult prisoners. Those reformatories were located in various parts of the country. Geographical coverage included southern Sudan (Maridi Reformatory), western Sudan (Shalla Reformatory), Central Sudan and Khartoum State (Abu Goota, Abu Jelli, Kober and Jirief Reformatories)." [15b] (p1) Two reformatories that were in operation in Sudan were Jireif Reformatory in the Jireif area in Khartoum and Kober Reformatory in Kober, Khartoum North. [15b] (p1) The Reformatories Report also noted that in Kober Reformatory: "There is no medical check [sic] and not even a medical unit. Problems of skin disease are wide spread. Juveniles in severe cases are

taken to [a] security hospital which is near the reformatory.” [15b] (p12)
Common punishments in the two reformatories included solitary confinement, lashings and being asked to perform tasks which, in Kober prison particularly, could also be considered cruel and inhuman in nature. [15b] (p11, 13)

12.10 The USSD report for 2006 further noted that:

“The government operated ‘reformation camps’ for vagrant children. Police typically sent homeless children who had committed crimes to these camps, where they were detained for indefinite periods. Health care and schooling at the camps generally were poor, and basic living conditions often were primitive. All of the children in the camps, including non-Muslims, must study the Koran, and there was pressure on non-Muslims to convert to Islam.” [3a] (Section 5)

12.11 Children separated from their families as well as street children, who require bail in order to be released from detention, are more likely to suffer unjustly long pre-trial detention. Reports from UN Police consistently indicate that families are routinely not informed of the arrest of their children and so are unaware they must provide bail or food assistance. Children who have no families to provide bail must remain in detention until the Attorney General sanctions release. This is a process which is untimely and apparently ad hoc.” (UNHCR, 8 March 2006) [20a] (p4)

See also [Children](#)

PRISONS AND PRISON CONDITIONS: SOUTH SUDAN

Structure

12.12 Article 163 of The Interim Constitution of Southern Sudan (ICSS) stated that:

- “(1) There shall be established a prisons service to be known as the Prisons Service of Southern Sudan and it shall be a decentralized professional service , its mission shall be correctional, reformatory and rehabilitative. It shall respect the will of the people, the rule of law and order, civilian government, democracy and human rights.
- (2) The Prisons Service shall be organized at the level of Southern Sudan and States of Southern Sudan.
- (3) The Prisons Service shall be headed by a Director-General of Prisons to be appointed by the President of the Government of Southern Sudan on the recommendation of the minister in charge and approval of the Council of Ministers.
- (4) The functions of Prisons shall, *inter alia*, be to manage, operate and maintain the prisons of Southern Sudan, and to administer the internment and care for the health of prisoners and inmates.
- (5) Prisons authorities shall treat prisoners humanely. Any treatment that is cruel, inhuman, degrading of the dignity of prisoners, or that may expose his or her health to danger is prohibited and punishable by law, and
- (6) Organization, powers, terms and conditions of service of the Prisons Service shall be prescribed by law. ” [94] (p64)

12.13 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the New Sudan Prisons Act, 2003 was

enacted and is currently in use. [20a] (p2) UNHCR also notes that: “The Laws will need to be amended slightly to put them in line with the CPA which is currently done by a team of lawyers of the Ministry of legal Affairs and Constitutional Development.” [20a] (p3)

- 12.14 The Prisons Act itself outlined the constitution, duties and powers of the Prison Forces, appointment and duties of officers of the Prison Forces, and penalties of any contravention of those duties by Prison Officers. [18h] (Prisons Act)
- 12.15 The Prisons Act states that: “The regulations shall specify the position of various classes of prisoners, or divisions thereof according to their sex, previous conviction, term of imprisonment and the requirements of their treatment.” [18h] (Prisons Act: Chapter 7, Section 42)

“Prisons shall be divided into the following types:-

- (a) Central Prisons
- (b) County Prisons
- (c) First Class Local Prisons
- (d) Second Class Local Prisons
- (e) Open and Closed Camps
- (f) Mental Asylums
- (g) Reformatories
- (h) Juvenile Homes.” [18h] (Prisons Act: Chapter 7, Section 42)

- 12.16 The Act goes on to specify the treatment of persons in prison depending on factors such as gender, age, good behaviour and whether a prisoner has been convicted of an offence or is being held on remand. [18h] (Prisons Act: Chapter 7, Sections 43-54)
- 12.17 UN News reported on 14 September 2007 that a prison staff training centre in southern Sudan has been opened as part of efforts by the United Nations Development Programme (UNDP) to rehabilitate the country's dilapidated prison service and to help reintegrate former combatants from the north-south civil war into civilian life. [6ai] “The Lologo regional training centre, which opened yesterday [13 September], is expected to receive up to 1,500 ex-soldiers from the Sudan People's Liberation Army (SPLA), the former rebel group from the south, over the next six months, UNDP said in a press release. The first 550 ex-soldiers have started on a three-month orientation course, while specialist courses will also be offered soon to train instructors, welfare officers, medical officers and management.” [6ai] The report added that the prison service improvement programme is part of UNDP's efforts to implement the comprehensive peace agreement in January 2005 that ended the 21-year civil war between north and south in Sudan. [6ai]

PRISON CONDITIONS

- 12.18 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR states that conditions in Rumbek Prison, as of April 2005, were extremely poor:

“There are two wings (one for men, one for women), Facilities are missing: no beds, no medical ward. The women's ward has two toilets. Male prisoners are ‘chained’ when sitting in the open spaces of the prison compound. Food is

provided by relatives of the prisoners and – sometimes – by the Church (Diocese of Rumbek). Due to lack of funding, the prison authorities are unable to provide food. Cases of malnourishment were witnessed.” [20a] (p3)

- 12.19 UNHCR’s comments also note that: “Pre-trial detainees and convicted criminals are not separated [as they should be according to the provisions of the Prisons Act].” [20a] (p3) [18h] (Prisons Act: Chapter 7, Section 51) They also state that: “Juveniles are being detained for the crimes of their family members.” [20a] (p4) Furthermore: “Children are being imprisoned with adults, there aren’t separate holding facilities. There are no recreational or educational facilities. The youngest prisoner seen in Rumbek was a boy of (reportedly) 8 years old convicted of murder.” [20a] (p4)
- 12.20 UNHCR’s comments of 8 March 2006 further noted that: “Prison visits are allowed. DOR (diocese of Rumbek) and an indigenous NGO (Bahr el Gazal Women’s development Council – Department Women in the Law) are visiting prisoners regularly to undertake general monitoring and advocacy on behalf of prisoners.” [20a] (p3)

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DEATH PENALTY

13.01 Throughout 2005–2006, Sudan continued to view the death penalty as legitimate punishment for offenders including for offenders under the age of 18. This is despite the fact that Sudan is a state party to the UN Convention on the Rights of the Child. Several executions by hanging took place over the year particularly in Port Sudan prison in the Eastern region of Sudan on persons convicted of murder. (The Sudan Organisation Against Torture Annual Report on the Human Rights situation in Sudan March 2005 to March 2006) [15d] (p47)

13.02 Amnesty International's (AI) Report on Death Penalty Developments in 2005, noted that:

"The new Interim Constitution for Sudan, ratified on 9 July 2005, failed to abolish the death penalty in Sudan, particularly as it applies to those under the age of 18. Article 36 (2) of the Interim Constitution states that: 'The death penalty shall not be imposed on a person under the age of eighteen or a person who has attained the age of seventy except in cases of retribution or *hudud*' [sic]. This last exception makes the first safeguard almost worthless; for instance hudud crimes include murder and burglary over a certain amount, according to the 1991 Sudanese Penal Code. Article 36 (2) is incompatible with Sudan's international obligations that prohibit child executions. There is no official record of those on death row or of executions in Sudan. However, AI receives cases every year of persons convicted to death in Sudan for crimes committed when under 18 years-old." [16f] Human Rights Watch reported on 7 September 2005 of the execution of two prisoners who were minors at the time of their arrest. The report stated: "Mohammed Jamal Gesmallah and Imad Ali Abdullah, both in their twenties, were executed on August 31 [2005] in Khartoum's Kober Prison. According to their families, they were 16 and 17 years old at the time of the crimes for which they were punished." [19f]

13.03 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 19 February 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 36 of the INC states that: "(1) No death penalty shall be imposed, save as retribution, hudud or punishment for extremely serious offences in accordance with the law. (2) The death penalty shall not be imposed on a person under the age of eighteen or a person who has attained the age of seventy except in cases of retribution or hudud. (3) No death penalty shall be executed upon pregnant or lactating women, save after two years of lactation." [94a] (p15)

13.04 A Danish Fact Finding Mission of August and November 2001 reported that:

"According to the 1991 criminal law there are now nine offences in all for which the accused may be sentenced to death:

Article 50: Attack on the power of the state and undermining the constitution
 Article 51: Making war on the state
 Article 53: Spying against the country

Article 126: Apostasy (converting from Islam to another religion)
 Article 130: Murder
 Article 146: Adultery
 Article 148g: Homosexuality
 Article 168: Armed robbery
 Article 177: Embezzlement.” [23b] (p13)

- 13.05 The USSD report of 2006 stated that: “While the law permits non-Muslims to convert to Islam, conversion by a Muslim is punishable by death. In practice authorities usually subjected converts to intense scrutiny, ostracism, and intimidation, and encouraged them to leave the country, and there were no reports of conversion punished by death.” [3a] (Section 2c) The report added: “The punishment for rape under the law varies from 100 lashes to 10 years’ imprisonment to death. Spousal rape is not addressed. In most cases convictions were not publicized; however, observers believed that sentences often were less than the legal maximum.” [3a] (Section 5)
- 13.06 The Amnesty International 2005 Annual Report, covering events in 2004, stated that: “More than 100 death sentences were imposed; executions were believed to have been carried out.” [16g] (p1)
- 13.07 An FIDH report dated 30 July 2007 stated: “In another significant concluding recommendation, the Human Rights Committee criticized the imposition of the death penalty which is still widely applied in Sudan. The Committee called upon the Government to ‘guarantee that the death penalty will not be applied to persons aged under 18’.” [38c]

DEATH PENALTY: SOUTH SUDAN

- 13.08 Article 25 of the Interim Constitution of Southern Sudan (ICSS) states that:
- “(1) No death penalty shall be imposed, save as punishment for extremely serious offences in accordance with the law
 - (2) No death penalty shall be imposed on a person under the age of eighteen or a person who has attained the age of seventy.
 - (3) No death penalty shall be executed upon a pregnant or lactating woman, save after two years of lactation.” [94b] (p9)
- 13.09 Amnesty International (AI) UA Network reported on 15 May 2007 that:
- “Abdelrhman Zakaria Mohamed and Ahmed Abdullah Suleiman, both aged 16 were sentenced to death by the Criminal Court in Nyala the capital of South Darfur on 3 May. Sudan ratified the UN Convention on the Rights of the Child on 3 August 1990 and is party to the International Covenant on Civil and Political Rights (ICCPR). Under the terms of these treaties, Sudan has undertaken not to execute anyone for an offence committed whilst under 18 years of age. Abdelrhman Zakaria Mohamed was found guilty of ‘murder’, ‘causing injury intentionally’ and ‘robbery’. Ahmed Abdullah Suleiman was found guilty of ‘being an accomplice’. The boys’ lawyer will submit an appeal against the sentence to the court of appeal in Nyala on 15 May.” [16aw]
- 13.10 Recounting, AI reported:

“On 28 February 2007 Abdelrhman Zakaria Mohamed is accused of breaking into a house in the Alwhad area in Nyala, armed with a knife. A man living in the house raised the alarm and three male members of the family rushed to the scene. A scuffle ensued between the family members and Abdelrhman Zakaria Mohamed. Whilst the family members attempted to restrain him, Abdelrhman Zakaria Mohamed stabbed two of the men leaving one fatally wounded.” [16aw]

- 13.11 AI reported in its 2007 Annual Report that: “Appeal courts and criminal courts in Khartoum acquitted political detainees in some trials. However, in the majority of trials, rights of defence were curtailed or absent, and testimony given under duress was accepted as evidence. Dozens of death sentences were passed, usually after unfair trials in which rights of defence, including the right to be represented by counsel, were not respected.” [16y] Also that: “In a trial before the Khartoum Criminal Court of 137 residents of Soba Aradi, a settlement of mostly displaced people in Khartoum North, 62 detainees were acquitted in June and August for lack of evidence. They were charged in connection with clashes in May 2005, in which 14 police officers and 30 IDPs were killed, over the proposed relocation of the settlement. Seven defendants were sentenced to death in November.” [16y]

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POLITICAL AFFILIATION

FREEDOM OF ASSOCIATION AND ASSEMBLY

14.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 19 February 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 40 of the INC states that:

- “(1) The right of peaceful assembly shall be guaranteed; every person shall have the right to freedom of association with others, including the right to form and join political parties, associations and trade or professional unions for the protection of his/her interests;
- (2) Formation and registration of political parties, associations and trade unions shall be regulated by law as is necessary in a democratic society.
- (3) No association shall function as a political party at the national, Southern Sudan or state level unless it has:
 - (a) its membership open to any Sudanese irrespective of religion, ethnic origin, or place of birth,
 - (b) a programme that does not contradict the provisions of this Constitution,
 - (c) democratically elected leadership and institutions,
 - (d) disclosed and transparent sources of funding;” [94a] (p16)

14.02 The USSD report for 2006, noted that: “Although the law provides for freedom of assembly, the government severely restricted this right in practice. Authorities took no action against security forces who used excessive force.” [3a] (Section 2b Freedom of Assembly) The report added: “The law provides for freedom of thought, expression, and of the press ‘as regulated by law’; however, the government severely restricted these rights in practice.” [3a] (Section 2b Freedom of Assembly)

14.03 Human Rights Watch (HRW) released a Report in March 2006, ‘The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan’, which noted that:

“Political parties are beginning to test the limits of the commitments in the CPA for respect for human rights, and the SPLM has opened political party offices in certain northern cities. However, the political climate is nowhere near the open atmosphere that is needed for a genuine multiparty political system with respect for human rights. No progress has been made in drafting or passing the CPA-promised Political Parties Act or the National Security Act.” [19a] (p15)

14.04 The Report further noted:

“During the year since the CPA was signed, security agencies continue to play the lead role in preventing opposition to the NCP from developing. They persist in attacking and dispersing demonstrators and political gatherings, monitoring and arbitrarily arresting opposition suspects, conducting searches and seizures of opposition property, intimidating journalists and editors, and a range of other activities.” [19a] (p15)

MEETINGS AND DEMONSTRATIONS

- 14.05 The USSD report for 2006 reported that: "The government formally banned all rallies and public demonstrations in the country, although this was not always enforced. The authorities' generally permitted government-authorized gatherings but disrupted gatherings they perceived to be politically oriented." The report also noted that "Authorities took no action against security forces who used excessive force." Adding that "Security forces used excessive force, including beatings, tear gas, and firing of live ammunition to disperse unapproved demonstrations." Further, "Authorities took no action against security forces who used excessive force." [3a] (Section 2b)
- 14.06 SOAT and the USSD Report of 2006 noted the deaths and injuries caused by the excessive use of force by the security forces to suppress two student demonstrations in April 2005. [15f] [3a] (Section 2b)
- 14.07 USSD Report of 2006 also reported that deaths and injuries caused by the excessive use of force by the security forces at demonstrations killing two protesters in the process. [3a] (Section 2b) Adding that: "The police and NISS officials violently dispersed a peaceful demonstration in Khartoum against rising sugar and fuel prices, which was organized by several opposition parties, labor unions, and civil society groups. Police sprayed tear gas and beat numerous protesters, including women and elderly men. At least one person died from tear gas inhalation." [3a] (Section 2b)
- 14.08 During the latter half of 2005, and early 2006, organisations such as Amnesty International (AI), Sudan Organisation against Torture (SOAT) and Sudan Human Rights Organization Cairo Branch (SHRO - Cairo) recounted how the security forces continued to disrupt meetings and demonstrations. [16l, 16m-16n] [15g, 15h, 15i, 15j] [17a]
- 14.09 On 19 June 2007 SHRO condemned the government's violence against peaceful demonstrations. "The Sudan Human Rights Organization Cairo Office is strongly shocked by the State's unjustifiable use of extreme violence to end a peaceful demonstration protesting the construction of the Kajabar Dam at the Fareeq County in the Wadi Halfa Province of North Sudan. [17n] SHRO reported that on Wednesday 13 June, the police forces, supported by the State Security Department, used a great amount of tear gas to disperse a peaceful assembly. These attacks led to the instant death of Sheikhaddin haj Ahmed, Mohamed Faqeer Diab, al-Sadiq Saleem, and al-Mouiz Mohamed 'Abd al-Rahman. Adding that several people were injured by the police violent assault in the process. [17n]
- 14.10 The report added:
- "The security force also arrested tens of citizens arbitrarily, including four journalists reporting the massacre: al-Fatih 'Abd-Allah (from al-Sudani paper), Qadafi 'Abd al-Mutaloib (al-Ayyam), Abu al-Qasim Farahna (Alwan), and Abu Obaida 'Awad (Ral al-Sha'b). The police/security force detained as well the lawyers 'Alamaddin 'Abd al-Qayoum, 'Ali 'Abd al-Qayoum, and 'Imad Merghani Seed-Ahmed. Many other citizens were unlawfully arrested and detained in the towns of Halfa and Dongola, and the National Capital Khartoum." [17n]

- 14.11 Al reported in its 2007 annual report that excessive force was used against many demonstrations opposing government policy. "Peaceful demonstrations against price rises in petrol and sugar in Khartoum on 30 August were put down with tear gas and batons by the police. Sentences of up to two months' imprisonment for public order offences were passed on 80 people." [16y] (p4)

POLITICAL ACTIVISTS

- 14.12 "The President of Sudan on 30 June [2005] promised to release political prisoners. Amnesty International has repeatedly called on Sudanese authorities to release all prisoners of conscience immediately and unconditionally and to release other political prisoners unless they are to be charged promptly with a recognisably criminal offence and given a fair trial." (Amnesty International, 1 July 2005) [16p] The statement also asserted Amnesty International's view that, despite the Government's claim that all political prisoners had been released, its own published list of known political detainees demonstrated that this was not the case and that this list was not even representative of the true number of detainees held in Sudan: "Families do not often know where detainees are being held. Prisoners are transferred from one place to another, while families must search for any information at all about their relative's whereabouts. There is no public registry of detainees that relatives can consult." [16p] Then on 6 July 2005, Amnesty International confirmed the names of nine men that had been released, noting that one of the men had been released in April [2005] and the other eight were released on 30 June [2005]. [16a]

- 14.13 Human Rights Watch's (HRW) March 2006 report argues that:

"The political class in Sudan – which ranges from Islamists critical of the government (Ansar al-Sunna and the Popular Congress Party of Dr. Hassan al Turabi) to secular democrats (including many southern parties) to sect-based parties (the largest political parties have been the Umma and Democratic Unionist Parties) to regional parties (Union of Southern African Parties and Sudan National Party) and many others (including the Sudan Communist Party) – is capable of a high level of activity if it is not hemmed in by fear of the torture and repression used by the NCP-controlled security services since 1989 up to the present day." [19a] (p15)

STUDENT ACTIVISTS

- 14.14 SOAT recorded the deaths and injuries caused by the excessive use of force by the security forces to suppress two student demonstrations in April 2005. [15f] (p9) SOAT also reported on the arrest of students in connection with the same demonstrations, and the arrest of students – also in April – who were believed to have participated in a demonstration in support of the referral of the Darfur crisis to the International Criminal Court. [15f]
- 14.15 Amnesty International published a list of known political detainees in Sudan in June 2005 which contained a number of persons listed as students. An accompanying public statement, dated 1 July 2005, remarks that: "Students and members of marginalised groups, like the Nuba and people from Darfur, are most likely to be beaten and otherwise tortured after arrest." [16o-16p] Al, SOAT, OMCT SHRO-Cairo also recorded a number of incidents of arrest, detention, and suspected or actual cases of torture – some of which resulted

in death – against politically active students, many of whom were of Darfuri origin, in 2004, 2005 and 2006. [16o, 16p, 16q] [15d 15h 15k, 15l-15m, 15n, 15o]

- 14.16 On 13 February 2006 Amnesty International reported a raid by armed police and security forces at Juba University in Bahri, Khartoum on students who were gathered peacefully in front of the administration building awaiting a response to a letter concerning the relocation of the university back to Juba in south Sudan. The report noted that:

“According to a credible source, the detainees have been taken at night to unofficial National Security detention sites known as ‘ghost houses’, where they have been tortured. The detainees have reportedly also been deprived of food and denied access to legal counsel and their families. Reasons given for the continuing detention of the remaining 51 male students include destruction of public property, arson, public disturbance, and crimes against the state – which potentially carries the death penalty. They have not yet been brought before a judge to have the lawfulness of their detention reviewed.” [16n]

- 14.17 AI recorded in its annual report for 2006 that several student activists were arrested and beaten by police and other security forces. “At least one was shot dead by police. On 11 April, Nagmeldin Gafar Adam Eisa, a student activist at Dilling University in Kordofan, died after being shot by the police on university premises during a protest against the conduct of student union elections. Police fired tear gas and live ammunition at the demonstrating students.” [16ax]

- 14.18 The *Sudan Tribune* reported on 6 May 2007 that: “Sudanese riot police used tear gas and rubber bullets to break up a peaceful demonstration in the centre of Khartoum, the Leadership Office of Hamadab Dam Affected People (LOHAP) said in a press statement.” The protest was organised by Manasir Students Union in Higher Education. The Manasir are one of three tribal groups whose communities will be flooded by the Merowe Dam, now under construction on the River Nile. [12t]

- 14.19 Sudan Human Rights Organization (SHRO-Cairo) reported abuses by the police and security forces on students of the Gezira University in Medani on 22 January 2008 [17c]

“The police and security forces in the city of Medani, the Gezira State, arrested 40 students of the Gezira University this past week. Students Khadija al-Dowaihi (agriculture) [sic], Hiba al-Rasheed (medicine), Julia alSir (engineering), Suha Ahmed (economics), Amel Faisal (engineering), Sarya Murad and Aisha (pharmacy) were beaten up by both police and security officers. Students Mutawakil Mohamed Osman (engineering), Ali Mohamed Ali (education), Omer Osman (economics) were brutalized. The Medani security officers tortured, in particular, student Ali Mohamed Ali who witnessed the tortures of several colleagues, including the immediate death of student Mutasim Hamid AbulGasim (computer science) as a result of brutal tortures by police and security officers.” [17c]

- 14.20 Furthermore:

“The authorities’ assault on the students occurred at the College of Education during scheduled discussions by the Students Democratic Front as a part of students’ campus activities. Following the police brutality on the college of

education, the police launched another intimidating attack on the Students Club at al-Nishayshiba, which ended with serious destruction of the club's property, as well as the enforcement of further arrests and tortures of students." [17c] The *Sudan Tribune* also reported the "... 'the brutal attacks, murders, and tortures' by the Medani police and security forces on students of the Gezira University in Medani and the Nishayshiba area, last week." [12af]

THE POPULAR / PEOPLE'S NATIONAL CONGRESS (PC/PNC)

- 14.21 The Popular National Congress Party (PNCP) was created in 2000 by Dr. Hassan al-Turabi after being expelled from the National Congress (NC), which was formerly known as the National Islamic Front (NIF). (The US Department of State's Human Rights Report, 2000) [3c] (p1)
- 14.22 At the end of June 2005, AI released a list of known political detainees in the Sudan. [16o] The human rights organisation's accompanying public statement of 1 July 2005 states that: "Of 355 political detainees known to Amnesty International, only Shaikh Hassan al-Turabi, the founder of the Popular Congress, is known to have been released so far, after 15 months under house arrest in Khartoum without charge or trial." [16p] However, a SOAT press release of 5 July 2005 reported that seven other members of the PNC had also been released. [15q]
- 14.23 On 1 July 2005, IRIN reported the release of al-Turabi, and further noted the President's claim to have released all political detainees. [10z] After his release, Turabi was reported to have promised to only engage in peaceful opposition to the Khartoum government, although: "Analysts say the ghosts of a rift in 1999 between Turabi and Bashir still haunt the government, which is not sure who within its ranks might still be loyal to Turabi and who is loyal to the president. Turabi was secretary-general of the ruling National Congress Party's (NCP) predecessor, the National Islamic Front." (Reuters, 11 July 2005) [68l]

THE UMMA/UMMAH PARTY (UP)

- 14.24 "The Sudanese Patriots who established Umma Party in Feb 1945 as the first Popular Political Party, aimed at attaining the country's independence from the Condominium Reign. The Umma Party is the Party of Sudanese Independence. It championed that cause until it became the basis for Sudanese consensus in 1955. (The country's Independence was announced in 1st Jan 1956)" (umma.org website) [26a]
- 14.25 The USSD report for 2006 reported that: "Islamic orders associated with opposition political parties, particularly the Ansar (the Umma Party) and Khatimia (the Democratic Unionist Party), continued to be denied permission to hold large public gatherings during most of the year. On April 6 [2005], riot police attacked Umma party members meeting at their party headquarters; four party members were detained for several hours before being released." [3a] (Section 2b)
- 14.26 SOAT's newsletter of March-April 2005 noted the arrest of three student members of the Umma Party (UP), stating that: "Reportedly, the detainees were badly beaten by security agents. The students were distributing posters

announcing a UNP Conference to be held in Khartoum State on 24 April 2005.” [15f] (p10-11)

- 14.27 Nevertheless, subsequent reports appeared to indicate that the UP was still an active and important opposition political force, despite the reported banning of its activities. [6h] (p2) [19a] [10ab] [69l] [68o] For instance, an IRIN report of 22 September 2005 noted that the UP of Sadiq al-Mahdi was not represented in the new Government of National Unity (GoNU), and a Human Rights Watch (HRW) report of March 2006 referred to the UP as one of the two largest political parties in Sudan, the other being the Democratic Unionist Party (DUP). [10ab] [19a]

THE SUDANESE COMMUNIST PARTY (SCP)

- 14.28 The *Sudan Tribune* reported on 19 December 2007 that the first-ever meeting between the leaders of the Sudanese communist Party (SCP) and the ruling National Congress Party (NCP) on 12 December 2007 was aimed at building national consensus among major political forces towards democratic transition in the country. It was reported by a member of the SCP Central Committee, Shafee Khidir that the meeting, “comes in line with SCP strategy to build momentum in democratic process.” [12ad]

“Khidir pointed out that the meeting between president Omer al-Bashir, Chairman of the ruling NCP and Mohamed Ibrahim Nugud, the SCP Secretary General, discussed the implementation of the Comprehensive Peace Agreement (CPA), Cairo agreement, and Eastern Sudan agreement. The two parties also reiterated the need to put an end to the ongoing crisis in Darfur. He also said that the meeting tackled the upcoming 2009 elections and ways to build the best conditions for the success of the first general elections held in the country since 1989 coup d’etat.” [12ad]

ARMED OPPOSITION FACTIONS: WEST SUDAN (DARFUR)

- 14.29 Various sources reported on allegations that the Government was responsible for the arrest, detention and disappearance of persons suspected of supporting rebels in the Darfur region during 2004, 2005 and 2006, including, the US Department of State (USSD), Amnesty International (AI), and the Sudan Organisation Against Torture (SOAT). [3a] (Section 1c-1e) [16h-16s, 16i, 16t, 16o-16p, 16u-16v], [15k, 15l-15m, 15n] AI’s public statement of 1 July 2005, which accompanied the publication of a list of known political detainees, records that: “At least a third of detainees [named on the list] were arrested in Darfur, most of them held arbitrarily in connection with the conflict. Many are still detained in Darfur; others have been transferred to Khartoum. They include community leaders, critics of government policy and people – including members of Arab groups – seeking to engage in reconciliation. Most have been arrested on suspicion of sympathising with the Darfur armed groups, however only 26% have been charged or brought to trial.” [16o-16p]
- 14.30 Amnesty International (AI) and the Sudan Organisation Against Torture (SOAT) recorded in October and December 2004, and January 2005, that Darfuris residing in Khartoum and other areas of north Sudan were arrested and detained, apparently on suspicion of supporting the armed opposition groups in Darfur. [16q] (p14-16) [15e] The vast majority of the cases reported by

AI and SOAT involved students, educated persons, or influential members of a tribe or community, such as Sheiks and Omdas. [16q] (p14-16) [15e] AI recorded in June and July 2005 that many detainees of Darfuri origin in Khartoum were detained in connection with events in Soba Aradi in May 2005. [16o] SOAT also reported on the Soba Aradi detentions, torture and trial outcomes. [15m-15o, 15t, 15u-15v, 15w] The public statement produced by AI in July 2005 reports that: "Some 106 named in the list [of political detainees] were arrested in Soba Aradi squatter camp south of Khartoum, after clashes with the police that killed at least 14 policemen and possibly up to 50 residents. More than 100 others from Soba Aradi are believed to be detained. Some summary trials of those arrested in Soba Aradi have been held, where for the first time lawyers were able to meet the detainees who reported receiving daily beatings in police stations. Amnesty International is urging that these detainees be brought to fair trial on recognizable criminal charges or released, and that their reported torture be ended immediately." [16p]

ARMED OPPOSITION FACTIONS: EAST SUDAN

- 14.31 AI, the BBC, SOAT and SHRO-Cairo all reported on the killing and arrest of demonstrators in Port Sudan, east Sudan in January 2005. [16h, 16i, 16j, 16w] [9k] [15e] [17a, 17b] The BBC states that: "Security forces are said to have opened fire after protesters demanding greater autonomy for the local Beja community began rioting in Port Sudan." [9k] SHRO-Cairo stated on 30 January 2005 that: "Further reports indicated that the murdered citizens were hunted by the police even inside their own dwelling areas where 2 women and a number of children were killed by police firearms." [17b] AI condemned the use of excessive force to quell the demonstration and also reported that houses were attacked using grenades. [16h] In February 2005 SOAT recorded the details of those killed, the number of demonstrators who had been detained, and the locations of where the detained were thought to be held. [15e] (p5-6)
- 14.32 Amnesty International's May 2005 Report, 'Political Repression in Eastern Sudan', states that: "Scores of Beja were subsequently arrested between 29 January and 13 February by members of the National Security and Intelligence Agency in Port Sudan and Kassala. While the exact number of arrests is unknown, the semi official Sudanese Media Centre stated on 3 March that 199 of those arrested had been released and that four would be sent to court." [16j] (p1) However, AI went on to list 16 members of the Beja Congress party who had remained in detention, without charge, for more than three months. [16j] (p1)
- 14.33 "In the meantime, SHRO-Cairo received reliable reports that the Sudan Government has escalated military action against the Beja forces in Tandli and al-Gash as well as Makali and Degain in the neighborhoods [sic] of Jebel Await near the Mokram Mountains of Kassala." (SHRO-Cairo, 30 January 2005) [17b]
- 14.34 AI, SOAT and SHRO-Cairo all recorded the release of the remaining Beja Congress detainees, including General Secretary Abdullah Mosa, on 30 June 2005. [16w] [15q] [17a]

FREEDOM OF ASSOCIATION AND ASSEMBLY: SOUTH SUDAN

14.35 The UN's Integrated Regional Information Networks (IRIN) recorded the signing of the Interim Constitution of Southern Sudan (ICSS) on 5 December 2005. [10g] Article 29 of the ICSS states that:

- “(1) The right to peaceful assembly is recognized and guaranteed; every person shall have the right to freedom of association with others, including the right to form or join political parties, associations and trade or professional unions for the protection of his or her interests.
- (2) Formation and registration of political parties, associations and trade unions shall be regulated by law as is necessary in a democratic society.
- (3) No association shall function as a political party at Southern Sudan or state level unless it has:
 - its membership open to any Sudanese irrespective of religion, gender, ethnic origin or place of birth;
 - a programme that does not contradict the provisions of the interim National Constitution and this Constitution;
 - democratically elected leadership and institutions; and
 - disclosed and transparent sources of funding.” [94b] (p10-11)

14.36 The UN's Integrated Regional Information Networks (IRIN) reported that, on 29 September 2005: “The Interim Legislative Council of Southern Sudan, which brings together many former military and political adversaries, is officially inaugurated in Juba, the southern Sudanese capital.” [10ac] (September)

14.37 HRW's Report, ‘The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan’ of March 2006 records that:

“One of the most successfully executed aspects of the CPA appears to be putting the regional government of the south into southern ex-rebel hands and having NCP-appointed personnel in the south recognize the superior authority of the SPLM civilian authorities. Former rebels and their supporters from the diaspora have established residence in Juba and taken up work in government offices there: they are clearly in charge. Not only the SPLM is present: several other southern political parties are represented in the Southern Sudan Parliament pursuant to the CPA.” [19a] (p9)

14.38 The Report also states that, according to the residents of Juba: “Security and military intelligence are invisible for the time being, and gatherings of citizens, spontaneous or planned, take place without restrictions [in the city].” [19a] (p9)

14.39 The Report further noted:

“In Southern Sudan the regional government is forging ahead of the northern states and region in participatory democratic practices. As Southern Sudan's President (and national First Vice President) Salva Kiir directed shortly after his August 11, 2005 inauguration in Juba, the representatives for the southern regional and state assemblies (and even the national assembly) were to be chosen by means of local consultations. The intention was to draw in hundreds of people in each location to participate in choosing their

representatives from the candidates – local men (and a few women) – who put themselves forward to their communities. On short notice and with little formality, this experiment went well, although it was limited in scope. It reflected the customary participation of men in southern community decision-making that even the war could not entirely destroy.” [19a] (p10)

- 14.40 HRW noted that this process was not perfectly implemented or infallible: “On the whole, however, the broadened participation in selection of officials was an encouraging indication to southerners of the intentions of the new southern government to encourage popular participation in government.” [19a] (p11)

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FREEDOM OF SPEECH AND MEDIA

- 15.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 19 February 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 39 of the INC states that:
- “(1) Every citizen shall have an unrestricted right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to order, safety or public morals as determined by law.
 - (2) The State shall guarantee the freedom of the press and other media as shall be regulated by law in a democratic society.
 - (3) All media shall abide by professional ethics, shall refrain from inciting religious, ethnic, racial or cultural hatred and shall not agitate for violence or war.” [94a] (p16)
- 15.02 However, the Sudan Human Rights Organisation-Cairo's (SHRO-Cairo) Human Rights Quarterly of January 2006 pointed to the various laws that had undermined the provision of freedom of expression and the media contained in the 1998 Constitution that, still being in place, would also undermine the equivalent articles in the July 2005 Constitution. [17a] (**Freedom of Expression, Association and Assembly**) Human Rights Watch (HRW) states in its March 2006 Report, ‘The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan’ that: “During the year since the CPA was signed, security agencies continue to play the lead role in preventing opposition to the NCP from developing. They persist in attacking and dispersing demonstrators and political gatherings, monitoring and arbitrarily arresting opposition suspects, conducting searches and seizures of opposition property, intimidating journalists and editors, and a range of other activities.” [19a] (p15)
- 15.03 The USSD report for 2006 stated that: “The government exercised control of news reporting, particularly of political topics, the war, and criticism of the government – particularly regarding government actions and policies in Darfur through the National Press Council and security forces.” [3a] (**Section 2a**)
- 15.04 Reporteurs sans Frontières, Sudan Annual Report 2007 (RSF) stated that:
- “The massacres in Darfur are an open wound for Sudan, and one which the government does not want anyone to touch. Two foreign journalists and their assistants paid the price for this extreme sensitivity in 2006, when they were thrown in prison for having taken too close an interest in the catastrophe in the huge border region on the border with Chad.” [27a]
- 15.05 In June [2005], Sudanese justice officials cancelled the licence of Sudan's English-language daily, *The Khartoum Monitor*. *The Monitor* has been harassed by authorities repeatedly over the years. The newspaper had problems with its license which can be traced to its publication of articles on slavery more than two years ago. The license was restored in July [2005] by order of President Omar Hassan al-Bashir, according to press reports. (CPJ – Attacks on the Press 2005) [28a]

- 15.06 Amnesty International noted, in April 2005, that: "The Sudanese media received a circular instructing them not to comment in favour of the resolution which refers the situation in Sudan to the Prosecutor of the International Criminal Court. The media coverage has been predominantly of criticism of the resolution. Reporting about Darfur is also heavily censored." [16x] (p2) "It seems the lifting of censorship in July has not meant the end of police monitoring of the press, the organisation [RSF] said [in response to the December 2005 arrest of an *Al-Sahafa* columnist]." (RSF, 3 January 2006) [27b]
- 15.08 The SHRO-Cairo Human Rights Quarterly report of January 2007 stated in relation to freedom of the press that there were several arrests of journalists in their report from 1 August to 31 December 2006, citing the following: "In August, the Chicago Tribune journalist Paul was arrested with his Canadian assistants, Suliman Abubakr Musa (translator) and Idris Abd al-Rahman Ano (driver) in the course of his work as a reporter to the National Geographic magazine in the Ambararo area, North Darfur. On August 26, the 3-times Pulitzer [Pulitzer] winner journalist was put to trial before the al-Fashir court, accused of spying and illegal dissemination of information, in addition to entry to Sudan without visa. A group of armed men, followers of the Minawi-led Sudan Liberation Army, arrested the journalist and delivered him to the Sudanese Armed Forces in exchange of a package of new military uniforms. Having spent 34 days in detention, the journalist and his assistants were released by presidential amnesty in response to international pressures." [17m]
- 15.09 Citing another incident of police brutality, SHRO-Cairo reported:
- "August 16 [2006], the police battered and detained two journalists of Al-Ayyam journal while they were covering demolition of the Dar a-Salam village near al-Baqair, a locality of al-Kamleen in the al-Gezira. The police arrested Nasraddin Ahmed al-Tayeb and Fakhraddin Yassin, tied them up, tortured them, and confiscated their notebooks and a camera before they were finally released. The journalists were threatened with further persecution if they published these tortures. Later at the Khartoum hospital, the police refused to provide the victims with form (8) to report the tortures." [17m]
- 15.10 The *Sudan Tribune* reported on 7 January 2008, the closure of a Sudanese newspaper for two days after being accused of insulting President Omar Hassan al-Bashir. "... Sudan's National Press Council had suspended his English language daily The Citizen over an editorial it wrote about armed clashes on the country's north-south border. 'The National Press Council ... (said) an article was insulting to President Bashir and so they suspended us for two days', said Bol, the paper's editor and owner." [12ah]
- 15.11 Reporters Without Borders (RSF) in its 2008 annual report stated that:
- "The Sudanese press appearing in Khartoum was once again in 2007 a regular target for the security services who will not allow journalists to get in the way of government action. Several arrests and a generally bad atmosphere do not however detract from the fact that newspapers and civil society play an active part in ongoing debates, including on the crisis in Darfur." [27i]

JOURNALISTS

- 15.12 CPJ, RSF and the Sudanese human rights organisation, SOAT, all reported on incidents of varying levels of censorship and harassment, including the imprisonment of the editor of the daily Al-Sahafa, during 2004, 2005 and 2006. [28a-28c] [27b-27f, 27g] [15e, 15i] CPJ's 'Attacks on the Press 2004' states that: "Sudanese authorities went to great lengths to suppress reports of atrocities in Darfur, including imprisoning journalists. Security forces admonished or threatened other journalists over reporting about the situation." [28b] Whilst RSF's Annual Report 2005 records that: "Opposition journalists were often thrown into jail in Sudan under repressive laws that permit inordinately long periods of preventive custody." [27h] (Introduction Africa/The repressive reflexes of aging regimes)
- 15.13 The USSD report for 2006 reported that "Despite lifting emergency laws in July 2005, the government continued to censor print and broadcast media. Journalists also practiced self-censorship." [3a] (Section 2b Freedom of Assembly)
- 15.14 HRW and AI both reported of continued harassment of Journalists and human rights defenders and also that freedom of expression and association were curtailed in 2006: [19p]; [16y] (p4)
- 15.15 The *Sudan Tribune* reported on 9 August 2007 that:
- "The resident magistrate of Juba has released Nhial Bol, the Editor-in-Chief of The Citizen Newspaper from police detention because there was no summon of arrest either from Juba or Khartoum, said the Attorney General. According to Nahil Bol, Juba police brought to him a letter requesting him to report to police station and on reporting, police detained him as from 9am to 7pm. He was charged under Sudan penal code of 2003 section 66/27/29/37. Juba police cited a summon filled for his arrest from Khartoum by Aleiu Ayeng Aleiu, State minister of Interior in the government of National Unity." [12aa]
- 15.16 Reuters reported on 7 August 2007 that Amnesty International has called on the government to release seven people detained after protests in June against plans to build a dam on the River Nile in northern Sudan. [70b] "The detainees' prison conditions are poor, with swarms of rainy-season mosquitoes and flies, two have needed hospital treatment for diabetes and most have been denied visits, Amnesty said in a statement late on Monday [6 August]. 'None of those in custody has been formally charged with any offence' it said." [70b] Further adding that: "... Four people were killed on June 13 when police clashed with demonstrators protesting against the Kajbar Dam project." [70b]
- 15.17 RSF noted in its 2008 annual report that in 2007, various newspapers had been targeted by the government. "The privately-owned daily al-Sudani, an independent publication which is highly critical of the Khartoum government has been a target for the authorities. After it carried allegations against the justice minister, officials went to the printers on 16 May [2007] and seized plates of the edition which was about to appear and handed the paper's management a letter from the prosecutor's office ordering its closure. ... The closure of al-Sudani typifies one of those most blatant obstacles to press freedom in Sudan. It was a step taken unilaterally by the government despite

the fact that there is regulatory body for the press, which it completely bypassed.” [27i]

FREEDOM OF SPEECH AND MEDIA: SOUTH SUDAN

15.18 The Interim Constitution of Southern Sudan (ICSS) was signed on 5 December 2005. [10g] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 28 of the ICSS states that:

- “(1) Every citizen shall have an unrestricted right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to order, safety or public morals as determined by law.
- (2) All levels of government in Southern Sudan shall guarantee the freedom of the press and other media as shall be regulated by law in a democratic society.
- (3) All media shall abide by professional ethics.” [94b] (p10)

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FREEDOM OF RELIGION

16.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 19 February 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article five of the INC records that:

“The State shall respect the following religious rights to:

- (a) worship or assemble in connection with any religion or belief and to establish and maintain places for these purposes,
- (b) establish and maintain appropriate charitable or humanitarian institutions,
- (c) acquire and possess movable and immovable property and make, acquire and use the necessary articles and materials related to the rites or customs of a religion or belief,
- (d) write, issue and disseminate religious publications,
- (e) teach religion or belief in places suitable for these purposes,
- (f) solicit and receive voluntary financial and other contributions from individuals and private and public institutions,
- (g) train, appoint, elect or designate by succession appropriate leaders called for by the requirements and standards of any religion or belief,
- (h) observe days of rest and to celebrate holidays and ceremonies in accordance with the precepts of religious beliefs,
- (i) communicate with individuals and communities in matters of religion and belief at national and international levels;” [94a] (p4-5)

16.02 Article 38 of the INC states that:

“Every person shall have the right to the freedom of religious creed and worship, and to declare his/her religion or creed and manifest the same, by way of worship, education, practice or performance of rites or ceremonies, subject to requirements of law and public order; no person shall be coerced to adopt such faith, that he/she does not believe in, nor to practice rites or services to which he/she does not voluntarily consent.” [94a] (p15)

16.03 The USSD report on International Religious Freedom 2006, published 14 September 2007 (US IRF report 2007), stated that:

“The 2005 Interim National Constitution (INC) provides for freedom of religion throughout the entire country, and there was some improvement in the status of respect for religious freedom in parts of the country in the period covered by this report. However, regional distinctions in the INC negotiated as part of the Comprehensive Peace Agreement (CPA) have resulted in disparities in the treatment of religious minorities in the North and South.” [3f] (p1)

16.04 The US IRF report 2007, added that: The INC preserves Shari'a as a source of legislation in the North, while the Constitution of Southern Sudan establishes ‘the traditional laws, religious beliefs, values, and customary practices of the people’ as a source of legislation in the South.” [3f] (p1)

16.05 The same report also noted that: “Obtaining permits to build new houses of worship remained a long and tortuous process, despite past improvements. In

addition, the GNU pressured existing churches and Christian facilities in central Khartoum to move to less conspicuous locations on the outskirts of the capital.” [3f] (Section II – Restrictions on Religious Freedom)

16.06 Whilst the USSD report for 2006 stated that:

“The law provide for freedom of worship throughout the country; however, the government continued to place restrictions on non-Muslims, non-Arab Muslims and Muslims from tribes or sects not affiliated with the ruling party. The NCP, which originally came into power with a goal of Islamization, treated Islam as the state religion, declaring that Islam must inspire the country’s laws, institutions, and policies. While the government generally allowed non-Muslims to worship freely in approved places of worship, authorities in the north continued to restrict Christian activities. The government had not formally established the Commission for the Protection of the Rights of Non-Muslims in Khartoum State, as mandated by the CPA, at year’s end.” [3a] (Section c, Freedom of Religion)

16.07 The report further stated that “The constitution of Southern Sudan also provides for freedom of worship in the 10 states of southern Sudan, and the Government of Southern Sudan generally respected the rights of southerners to practice the religion of their choice.” [3a] (Section c, Freedom of Religion) Additionally: “Religious organizations and churches were subject to the same restrictions placed on nonreligious corporations. Although the law requires religious groups to register to be recognized or to assemble legally, registration reportedly was no longer necessary, and churches, including the Catholic Church, declined to register. There were reports that security forces harassed and at times threatened to use violence against persons on the basis of religious beliefs and activities; it was unclear whether the harassment was for religious or political reasons.” [3a] (Section c, Freedom of Religion)

ABUSE AND RESTRICTION OF RELIGIOUS FREEDOM

16.08 The US IRF report 2007 stated that:

“The Government favored [sic] Muslims over Christians in the North. Many southern Christians living in the North suffered from social, educational, and job discrimination, although religion was only one of the many factors leading to discrimination. Muslim religious organizations affiliated with opposition political parties, such as Al-Ansar and its political wing, the Umma National Party, also claimed to suffer discrimination by Islamists in the governing NCP, although it was unclear whether the alleged discrimination was due to religious or political affiliation. In prior reporting periods, some Muslims in the North also complained that the GNU was attempting to curry favor [sic] with the West by placing Christian leaders in positions of power within the Government.” [3f] (Section II – Restrictions on Religious Freedom)

16.09 The report further stated that:

“Muslims in the South complained of economic discrimination and boycotts by Christians, although such actions did not appear to be supported by the GOSS. For example, the SPLM issued statements against violence towards Muslims in the aftermath of societal violence directed towards Muslims in Juba following the death of First Vice President John Garang in August 2005.

Tensions remained in Juba as many Muslims reported continuing harassment and intimidation.” [3f] (Section II – Restrictions on Religious Freedom)

16.10 And:

“In the last 2 years the Government issued a total of 3 permits for new churches in suburban Khartoum; church officials considered these 3 permits to be an important development, as permits are not routinely approved. Most existing churches in the capital date from the colonial era, are located near the city centre, and cannot accommodate Christians who live in the IDP camps on the outskirts of Khartoum. Even when employers observe the requirement to allow 2 hours of worship time on Sunday mornings, relatively few Christians have the time or means to travel more than 20 miles to church. This policy not only limits the ability of Christians to practice their faith but also enables the Government to claim that new churches are not needed because the existing ones are under-utilized.” [3f] (Section II – Restrictions on Religious Freedom)

16.11 The report continued:

“The GNU promoted Islam through mandatory Islamic education for all students in the North, even non-Muslims enrolled in private, Christian schools. Christian leaders believed that these requirements exacerbated problems in the relationship between the Muslim majority and the Christian minority and further marginalized the place of Christianity in northern society. The Catholic Church in particular faced a shortage of priests, which it attributed to a lack of Christian religious education.” [3f] (Section II – Restrictions on Religious Freedom)

16.12 Freedom House’s (FH) Freedom in the World Country Report for 2005, on events in 2004, stated that: “Under the 1994 Societies Registration Act, religious groups must register in order to legally gather. Registration is reportedly difficult to obtain.” [53b] (Overview – p5) The Report also stated that: “The government denies permission to build churches and sometimes destroys Christian schools, centers, and churches.” [53b] (Overview – p5)

16.13 While the US IRF for 2007 stated that:

“Although the Government has issued three permits for new churches in suburban Khartoum, some Christian leaders believed the GNU has continued the previous regime’s attempts to drive churches and other Christian institutions out of the capital’s centre. Despite expectations by Christian groups in the South that the GOSS would return (or pay for) church property seized by earlier governments, there was no indication that the GOSS would do so anytime soon, as the GOSS experienced a significant financial crisis during the reporting period.” [3f] (Section II – Restrictions on Religious Freedom)

16.14 The US IRF report of 2007 noted that whereas in previous reporting periods, the Government condemned and destroyed Christian ‘prayer houses’ that were built in IDP camps in the North without obtaining permits. the Catholic Church also built ‘activity centres’ near IDP camps which function as churches without official permits. [3f] (Section II – Restrictions on Religious Freedom) Whilst Freedom House’s 2006 World Country Report on Sudan stated that: “Roman Catholic priests face random detention and interrogation by police.” [53b] (Overview – p5)

- 16.15 The US IRF report of 2007 also noted that:

“The National Intelligence and Security Service routinely monitored religious activities at mosques and churches throughout the country, often posing as members of the congregations. Christian leaders acknowledged that they usually refrain from preaching on political or other sensitive topics to avoid harassment by the authorities, although some Christian leaders used the CPA as a vehicle for religious instruction and a point of common understanding among congregants. Some Muslim imams avoided political topics in their preaching as well.” [3f] (Section II – Restrictions on Religious Freedom)

VOLUNTARY AND FORCED RELIGIOUS CONVERSION

- 16.16 The US IRF report of 2007 stated that:

“Although there was no evidence of forced conversions in the period covered by this report, there is considerable social pressure for non-Muslims in the North to convert to Islam. The President frequently ended his public speeches with a call for victory over the ‘infidels’, and state media outlets routinely referred to Christians as ‘non believers’. Christian parents reported that their children enrolled in public school were commonly asked why they were not Muslims.” (US IRF report for 2007) [3f] (Section II – Restrictions on Religious Freedom)

- 16.17 The report stated further:

“Although there is no penalty for converting from another religion to Islam, converting from Islam to another religion is punishable by death in the North. This practice has never been carried out by the current Government. Muslims in the North who attempt to convert to another faith, however, are generally regarded as outcasts by their families and face severe social pressure to recant.” [3f] (Section II – Restrictions on Religious Freedom)

- 16.18 Furthermore “There was little Christian media programming in the North, and little local broadcasting of any kind in the South. However, the GNU permitted 24 hours of Christian broadcasting on Khartoum television on Christmas Day 2006. This was the first time such programming had been permitted, reaching a broadcast area of about 30 miles around Khartoum.” And also that: “There were no reports of the forced religious conversion of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States. States. [3f] (Section II – Forced Religious Conversion)

See also Annex F: [Religions of Sudan](#)

FREEDOM OF RELIGION: SOUTH SUDAN

- 16.19 Following the signing of the Comprehensive Peace Agreement on 9 January 2005, Freedom House’s Center for Religious Freedom released a statement “‘This is a time of jubilation for the people of southern Sudan, and it is also a victory for religious freedom,’ said Center Director Nina Shea. ‘For the first time in a generation, the south Sudanese people have guaranteed rights to worship. Critical to the peace deal is Khartoum’s agreement to stop forcing

Islamic sharia law on the south – the initial trigger for the 22 year-old civil war.” [53a]

- 16.20 The Interim Constitution of Southern Sudan (ICSS) was signed on 5 December 2005. [10g] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 27 of the ICSS states that:

“The following religious rights are guaranteed by this Constitution:

- (a) the right to worship or assemble in connection with any religion or belief and to establish and maintain places for these purposes;
- (b) the right to establish and maintain appropriate faith-based charitable or humanitarian institutions;
- (c) the right to acquire and possess movable and immovable property and make, acquire and use the necessary articles and materials related to the rites or customs of religion or belief;
- (d) the right to write, issue and disseminate religious publications;
- (e) the right to teach religion or beliefs in places suitable for these purposes;
- (f) the right to solicit and receive voluntary financial and other contributions from individuals, private and public institutions;
- (g) the right to train, appoint, elect or designate by succession appropriate religious leaders called for by the requirements and standards of any religion or belief;
- (h) the right to observe days of rest, celebrate holidays and ceremonies in accordance with the precepts of religious beliefs; and
- (i) the right to communicate with individuals and communities in matters of religion and beliefs in Southern Sudan and at national and international levels.” [94b] (p10)

- 16.21 The US IRF report, 2007 stated that:

“... The GNU pressured existing churches and Christian facilities in central Khartoum to move to less conspicuous locations on the outskirts of the capital. Some Christians believed this approach to be a less public, less confrontational alternative to the previous government's practice of confiscating church property.” [3f] (Section II - Status of Religious Freedom)

- 16.22 The same report also noted that “Muslims in the South complained of economic discrimination and boycotts by Christians, although such actions did not appear to be supported by the GOSS.” [3f] (Section II – Restrictions on Religious Freedom)

- 16.23 Whist the USSD report for 2006, stated:

“In the south, Christians, Muslims, and followers of traditional indigenous beliefs generally worshiped freely; however, many of the region's Muslim residents had departed voluntarily over the years. Although the Government of Southern Sudan officially favored secular government, Christians dominated the bureaucracies. Local government authorities often had a very close relationship with local Christian religious authorities.” [3a] (Section 2c) Additionally “The constitution of Southern Sudan also provides for freedom of worship in the 10 states of southern Sudan, and the Government of Southern

Sudan generally respected the rights of southerners to practice the religion of their choice.” [3a] (Section 2c)

16.24 The report also added:

“Religious groups are required by law to register with the government as non-governmental organizations, although this requirement did not appear to be enforced. Religious organizations that do not register as non-governmental, non-profit organizations, cannot legally claim exemption from taxes and import duties. Some of the largest Christian religious groups have historically refused to register out of fear of government interference. Religious groups that have opted to register, such as the Coptic Church, have been exempt from property taxes.” [3f] (Section II – Status of Religious Freedom)

See also Annex F: [Religions of Sudan](#)

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ETHNIC GROUPS

17.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 19 February 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 13 of the INC records that:

- “(4) The State shall recognize the cultural diversity of the country and shall encourage such diverse cultures to harmoniously flourish and find expression, through the media and education.
- (5) The State shall protect Sudan’s cultural heritage, monuments and places of national historic or religious importance, from destruction, desecration, unlawful removal or illegal export.” [94a] (p7)

17.02 Article 47 of the INC stated that: “Ethnic and cultural communities shall have the right to freely enjoy and develop their particular cultures; members of such communities shall have the right to practice their beliefs, use their languages, observe their religions and raise their children within the framework of their respective cultures and customs,” [94a] (p18) Article 156 of the INC states that:

“Without prejudice to the competency of any national institution to promulgate laws, judges and law enforcement agencies shall, in dispensing justice and enforcing laws in the National Capital, be guided by the following:

- (a) tolerance shall be on the basis of peaceful coexistence between the Sudanese people of different cultures, religions and traditions,
- (b) behaviour based on cultural practices and traditions which does not disturb public order, is not disdainful of other traditions, and not in violation of the law, shall be deemed in the eyes of the law as an exercise of personal freedoms,” [94a] (p62)

17.03 The USSD report for 2006, noted that:

“The population was a multi-ethnic mix of more than 500 Arab and African tribes with numerous languages and dialects. Northern Muslims, numbering approximately 16 million persons, traditionally dominated the government, while southern ethnic groups fighting the civil war (largely followers of traditional indigenous religions or Christians) numbered approximately 6 million. The fighting in Darfur was between Muslims who self-identify as either Arab or non-Arab.” [3a] (Section 5)

17.04 The USSD report for 2006 added that:

“The Muslim majority and the government continued to discriminate against ethnic minorities in almost every aspect of society. Citizens in Arabic-speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas. There also were reports of discrimination against Arabs and Muslims by individuals in the Christian-dominated south.” [3a] (Section 5)

See also Annex D: [Main ethnic groups](#) and Annex E: [Languages of Sudan](#)

- 17.05 Al reported on 14 March 2007 of their fear for the health and safety of three men who been detained by the government as follows “All three are originally from the Kuttum [sic] area of North Darfur; and are from ethnic groups associated with the Darfuri armed opposition groups. It is believed they were targeted for their role in coordinating financial support to, or directly financially supporting, the SLM.” [16au]
- 17.06 USSD report for 2006 noted that: “The government and supported militias actively promoted hatred and discrimination, using standard propaganda techniques to incite tribal violence. Credible sources noted that the government supported one tribe over another, arming certain tribal militias against other tribes.” [3a] (Section 5)

NORTH SUDAN: NUBIANS

- 17.07 The Nubians: “are a people of north-eastern Sudan ... They constitute the largest ethnic group in the northern part of the country. The Nubians of the Halfa District and Dungulah speak Nubian, although most Nubians speak Arabic. The Nubians, traditionally living in the Nile River valley linking Sudan with Egypt, have always been a settled people, living in towns and villages and cultivating irrigable land. The poverty of their region, however, encouraged them to migrate and they can now be found in all parts of Sudan and Egypt. The Nubians include many subgroups such as the Maha and, further south, the Dongolawin (Dangla). The Gerkid and the Midob of the Darfur area speak Nubian languages.” (The Encyclopaedia of Peoples of the World) [29a]
- 17.08 On 16 August 2006 IRIN News had reported that due to rising floodwaters over 2,200 families from the Amari community living near the dam had been displaced. The families were left without shelter, clean water or food and much livestock had been lost. The report noted: “Some observers claim the flooding was a natural occurrence and resulted from the rising Nile waters, but [Peter] Bosshard [policy director of the International Rivers Network (IRN)], rejected this argument, saying it was localised and in the direct vicinity of the dam.” [10af]

EAST SUDAN: BEJA AND RASHAIDA

- 17.09 The Beja, the Cushitic original inhabitants of eastern Sudan, are a traditionally nomadic group with some three million members living in southern Egypt, north-eastern Sudan and northern Eritrea. Believed to be the first to domesticate the camel, the Beja live in a harsh and arid semi-desert, their survival dependent on unpredictable annual rainfall. Beja ethnic identity is on the rise as the urban population has grown as a result of conflict, marginalisation and drought....Like the people of Darfur, the Beja are non-Arab Muslims.” (FMR – Beja Sidelined by Peace Process, Issue 47, November 2005) [32a] (p62)
- 17.10 The Beja region has been devastated by spillover effects from the North-South conflict and the presence of refugees from Eritrea and Ethiopia. Over a quarter of a million southerners moved into the area to escape fighting, cutting down trees and over-exploiting water resources. When the SPLM opened a second front against the Khartoum regime in eastern Sudan, over 300,000 Beja were

displaced as fighting flared and now live in urban shanties in Port Sudan and Kassala.” (FMR – Beja Sidelined by Peace Process, Issue 47, November 2005) [32a] (p62)

- 17.11 “The three main groups making up the Beja are the Bishariyyin, the Amar’ar/Atmaan and the Hadendowa....The life of the Beja groups has been regulated by a customary law called *silif*, a complex but flexible body of rules based on Beja traditional values. *Silif* regulates access to and redistribution of resources, reciprocal use of environmental resources (grazing land, water points, arable land or firewood), conflict resolution and reciprocity around major social events (birth, marriage and death). Clear land rights codes embodied in the *silif* (*asl* and *amara*) have helped minimise conflict over land, supported by the mediation of the tribal authorities who were entrusted with the management of land rights. However, the resilience of this system has significantly weakened over the last three or four decades due to a number of external factors.” (Save The Children, September 2005) [24b] (p12-13) “*Asl* is the customary right over a piece of land and its resources inherited from the ancestors for the entire lineage; *amara* is the usufruct right given to non lineage members to use pasture, water and cultivable land on the *asl* of another lineage against the payment of a tribute called *gwadab*.” [24b] (p12)
- 17.12 In January 2005 Beja demonstrators in Port Sudan presented the governor of Red Sea State with a list of demands for an equal share of power, wealth and resources. Their protest was met with brutal force and 40 demonstrators were killed. The Sudanese government justified the killings by falsely claiming that the Beja were threatening oil exports. Amnesty International’s calls for the government to set up an independent commission of inquiry and to release Beja Congress representatives have gone unheeded. While the UN investigates atrocities in Darfur and the death of Lebanon’s president, they do nothing to bring perpetrators of anti-Beja violence to justice.” (FMR – Beja Sidelined by Peace Process, Issue 24, November 2005) [32a] (p62)
- 17.13 A January 2006 Report by ICG noted that: “The East, like other mostly rural parts of the country, has received only paltry government investments for education, health and other services. The highly centralised nature of government in Sudan gives federal authorities a near monopoly on revenue collection and control over both how much money is distributed to the states and how it is used.” [14b] (p3)
- 17.14 20 May 2005 Report stated that: “Since the 1990s, there has been sporadic armed conflict in Eastern Sudan between the government army and the armed wing of the opposition, composed of the largest southern armed group SPLM, the National Democratic Alliance (NDA, an umbrella of northern opposition parties hosted by Eritrea including the eastern-based Sudan Alliance Forces and one segment of the Beja Congress which supports armed opposition). Some areas, in particular round Hameshkoreb and near the Eritrean border, are under the armed opposition.” [16j] (p1)
- 17.15 In late January and early February 2005, the BBC, SHRO-Cairo, AI, and SOAT all reported on the killings and arrests of demonstrators in Port Sudan, east Sudan. [9m] [17b] [16h-16i] [15k] (p16-20) The BBC recorded on 29 January 2005 that: “Members of eastern tribes – mainly Beja – presented a list of demands to the governor three days ago, including greater wealth and power sharing, Reuters news agency reported.” [9m] The report did not state whether

those who presented the list of demands were members of the political party, the Beja Congress, but it did note that: "The Beja also want the government to recognise the Beja Congress as the only representative of the people of eastern Sudan, reports say." [9m]

- 17.16 The same report also records that: "Security forces are said to have opened fire after protesters demanding greater autonomy for the local Beja community began rioting in Port Sudan." [9m] SHRO-Cairo recounted that: "Further reports indicated that the murdered citizens were hunted by the police even inside their own dwelling areas where 2 women and a number of children were killed by police firearms." [17b] Amnesty International condemned the use of excessive force to quell the demonstration, which had turned violent, and also said that houses were attacked using grenades. [16h] On 1 February 2005 SOAT recorded the details of those killed, the number of demonstrators detained, and the locations of where they were thought to be held. [15k] (p16, 20)
- 17.17 SOAT noted in a May 2005 report that the Justice and Equality Movement (JEM) was part of the Eastern Front of the Beja Congress and the Free Lions, and was militarily active in the East. [15y] In January 2006, the BBC reported on unconfirmed rebel claims that government forces had launched aircraft and artillery attacks against their main stronghold, Hamesh Koreb, resulting in the deaths of two children. [9d]
- 17.18 "Since the Port Sudan massacre in January 2005, the government has been spending a lot of money in the East. In February, it dispatched a committee, led by the former minister for roads and bridges and now governor of Red Sea State, Mohamed Tahir Aila, to promise development aid. At an April meeting in Kassala attended by most of the tribal, religious and political leaders and sponsored by the National Congress Party, Minister of Finance al- Zubeir Ahmed al-Hassan pledged \$88 million over three years." (ICG, Sudan: Saving Peace in the East, 5 January 2006) [14b] (p11-12)
- 17.19 ICG also reported on the attempts of the authorities to undermine the position of the region's leading political group the Beja Congress and to sow distrust between the Beja and non-Beja communities, and between the different Beja tribes themselves, for example, "Government agents and media intimate to the former [Tigre-speaking Beja] that the Beja Congress is solely a TuBedawiye-speaking organisation that will not represent their interests." [14b] (p12)
- 17.20 The Report further noted:

"The NCP [National Congress Party] is also resorting to potentially more violent tactics. There are persistent reports of efforts to encourage tribal leaders to recruit militiamen in exchange for money and weapons, in order to create a rural force that can monitor the Eastern Front's activities and serve as a first line of resistance. Most of these attempts to form *Janjaweed*-like groups have not yet succeeded, probably because despite their communal divisions, the eastern tribes have an acute sense of their social and economic inter-dependence as part of the Beja nation. Such tribal militias as exist are weak, with members showing up once a month only to collect pay. The policy, and the rumours it engenders, have nevertheless contributed to the spread of weapons and fear among civilian populations." [14b] (p12)

- 17.21 The *Sudan Tribune* reported on 7 March 2006 on the temporary ceasing of operations by the International Rescue Committee (IRC), and rebel claims that this was as a result of Government pressure:

“In a letter shown to journalists by the Eastern Front, the IRC said that Khartoum had ordered the organisation to suspend its humanitarian activities in the region. ‘This sudden move creates a humanitarian disaster for the 45,000 people directly benefiting from the health, education, veterinary, water and local-capacity building programmes of IRC’, the rebel statement said. No reason was given for the expulsion [sic] and officials at Sudan’s Humanitarian Affairs Ministry declined to comment.” [12g]

- 17.22 However, an IRC press release of the same day stated that:

“The International Rescue Committee has decided to suspend humanitarian aid programs in an opposition-controlled region of north-eastern Sudan while new access routes to the area are negotiated. Up until now, the IRC has been delivering basic health care, clean water, sanitation and education services for the area’s ethnic Beja population via neighboring Eritrea, which has been the only humanitarian route available. The IRC’s decision to temporarily halt programs follows a request by the UN Mission in Sudan to cease cross-border activities from Eritrea in light of negotiations underway with Sudanese authorities to gain access to the region from Sudan.” [33b]

- 17.23 IRIN News reported on 14 May 2007 that:

“Observers warn of simmering conflict in the eastern region, particularly by the indigenous Beja people – who are Muslims but not Arabs – and whose grievances are essentially the same as those faced by the Darfur rebels. The Beja say there has never been any sign of the government in their area – basics such as education and medical care have been completely overlooked.” [10fg]

WEST SUDAN (DARFUR) – FUR, MASSALEIT AND ZAGHAWA

- 17.24 According to major reports by various organisations, the three main non-Arab groups in Sudan’s Darfur region are the Massaleit (Masalit), the Fur (Four) and the Zaghawa (Zaghawa). [6e, 6i] [3d] [19g, 19h] [17a-17b] Human Rights Watch (HRW) noted in January 2005 that: “Numerous smaller ethnic groups, such as the Tama, Eringa, Berti, Bergit, Dorok and Tunjur, have also been targeted by the government-militia forces, especially as the conflict has broadened geographically over time.” [19h] An article in the FMR of November 2005 noted that the mostly sedentary tribes of Darfur who are in conflict with the Arab centre – like the Beja in east Sudan – “Though Muslim and Arabised in varying degrees, they now see themselves as non-Arab, marginalised and discriminated against on racial grounds.” [32a] (p8)

- 17.25 The Sudan Organisation against Torture (SOAT) and the Sudan Human Rights Organisation-Cairo (SHRO-Cairo) reported throughout 2004, 2005 and into 2006 on the insecurity in the region, and human rights abuses committed in connection with the Darfur conflict. [16k, 15e-15g, 15l-15m, 17a] SHRO-Cairo’s Human Rights Quarterly, detailed the human rights abuses that occurred in the region between March and November 2005, whilst a statement released by SOAT in September 2005 asserted that:

“Regardless, of who or whom initiates these attacks, SOAT appeals to the rebel groups and to the government to bring an immediate end to all military activities and to immediately cease the continual violations of the Ceasefire Agreement. Failure by all parties to abide by their commitment will result in far ranging consequences which are unacceptable not least the complete breakdown in peace negotiations which are currently taking place in Abuja, the Nigerian Capital. Most importantly, the deteriorating security situation will further worsened [sic] the large population of displaced persons in Darfur further contributing to the climate of impunity which has produced widespread criminality, banditry and lawlessness.” [15z]

17.26 The UN Secretary-General (UN SG) continued to report on the situation in Darfur throughout 2006 and 2007, submitting monthly reports to the Security Council on the security and humanitarian situation, and human rights abuses and the accompanying issue of protection. [6y, 6ag]

17.27 Some of these Reports have also highlighted the oversimplification of the conflict in Darfur as, although there is certainly a marked division along ethnic lines, this is not always the case. [19g-19h]

17.28 The Report of the International Commission of Inquiry (UN ICI) on Darfur to the UN Secretary General listed a number of differing uses of the term ‘*Janjaweed*’ in connection with the conflict in Darfur, which further detailed that the conflict was not solely one of ethnicity:

“The fact that the *Janjaweed* are described as Arab militias does not imply that all Arabs are fighting on the side of the *Janjaweed*. In fact, the Commission found that many Arabs in Darfur are opposed to the *Janjaweed*, and some Arabs are fighting with the rebels, such as certain Arab commanders and their men from the Misseriya and Rizeigat tribes. At the same time, many non-Arabs are supporting the Government and serving in its army. Thus, the term ‘*Janjaweed*’ referred to by victims in Darfur certainly does not mean ‘Arabs’ in general, but rather Arab *militias* [Emphasis in original document, please refer to source reference, [annex I](#)]. raiding their villages and committing other violations.” [6e] (p32)

17.29 A HRW Report, dated November 2004, recorded that the Sudan Liberation Army (SLA) had targeted particular groups ostensibly because the *Janjaweed* draw their forces, including leaders considered to be responsible for *Janjaweed* abuses, from groups of the same ethnic origin. [19h] (p32-38) The UN ICI Report noted that official and unofficial government actors, rebel actors, traditional tribal conflicts and armed persons committing acts of banditry have all been cited in reported violations: “However, it should be noted that the number of reported violations allegedly committed by the Government forces and the *Janjaweed* by far exceeds the number of cases reported on rebels.” [6e] (p55)

17.30 The UN ICI Report further noted:

“Hundreds of incidents have been reported involving the killing of civilians, massacres, summary executions, rape and other forms of sexual violence, torture, abduction, looting of property and livestock, as well as deliberate destruction and torching of villages.... Except in a few cases, these incidents

are reported to have occurred without any military justification in relation to any specific activity of the rebel forces. This has strengthened the general perception amongst observers that the civilian population has been knowingly and deliberately targeted to achieve common or specific objectives and interests of the Government and the *Janjaweed*.” [6e] (p54)

17.31 The UN ICI Report also notes that:

“It is reported that amongst the African tribes, members of the Zaghawa, Fur and Masaalit tribes, which have a marked concentration of population in some areas, have been particularly targeted. This is generally attributed to the fact that the two main rebel groups in Darfur are ethnically African and are largely drawn from these three tribes. It is for this reason that some observers have concluded that a major objective of destruction and depopulation of targeted areas is to eliminate or pre-empt any possibility of support for the rebels.” [6e] (p56)

17.32 HRW’s January 2005 Report, ‘Targeting the Fur: Mass Killings in Darfur’, stated that:

“Many of the abuses against these groups amount to crimes against humanity and war crimes, as the attacks are deliberately and systematically directed against civilians on account of their ethnicity. Some abuses stand out for the extraordinary level of brutality shown by the perpetrators, suggesting an intention to destroy the civilian group targeted in a given locality. All these incidents should be investigated in depth, and prosecuted as exceptionally serious international crimes, including potentially the crime of genocide.” [19h] (p3-4)

17.33 Amnesty International reported on 17 January 2007 that: “The government-backed *Janjawid* (Janjaweed) militia have threatened to attack three villages in West Darfur which they apparently believe are supporting anti-government forces. On 15 January, *Janjawid* (Janjaweed) gunmen reportedly warned villagers out searching for firewood that if they did not leave their village within 72 hours they would be attacked. As they fled to neighbouring villages, carrying their valuables, the *Janjawid* (Janjaweed) robbed some of them. The *Janjawid* (Janjaweed) are now reportedly also planning to attack two other nearby villages, and have been gathering near each village. An attack will likely result in civilian deaths.” [16z]

17.34 The report added that although the African Union (AU) peacekeepers in Darfur have a mandate to protect civilians. “They have frequently failed to do so even when informed of impending attacks on civilians. The villagers under threat belong to the Erenga ethnic group. In the past three months they have been repeatedly attacked by the *Janjawid* (Janjaweed), seemingly because the government believe most people in the area support the armed opposition groups that have rejected the Darfur Peace Agreement.” [16]

17.35 The report further added that at least 37 people were killed and 10 injured on 9 December 2006 during an attack by the (Janjaweed)’ on a truck carrying passengers as well as medical supplies. The truck was travelling from the capital of West Darfur, Al-Geneina, to the village of Sirba. A group of *Janjawid* (Janjaweed) militia on horseback ambushed the truck, and shot the driver dead. They then fired a rocket propelled grenade at the truck and set fire to

the fuel barrels inside. Many of the deaths came when the *Janjawid* (Janjaweed) opened fire on people as they fled.” [16]

- 17.36 ReliefWeb reported on 31 July 2007 that at least 34 people have been killed in latest clashes between rival Arab tribes in the war-torn western Sudanese region of Darfur. “ ‘The tribes, at odds over grazing rights and livestock raiding, have violated a February truce seven times, most dramatically in April when Rzigat tribesmen killed 62 Torjam in their villages’.” a tribal chief said [68b]

Nomadic groups

- 17.37 *New Sudan Vision* reported on 24 December 2007 that the South Sudan’s President Salva Kiir has ordered neighbouring states to give free passage to Baggara nomads in order to keep the peace. [89a]

“In a new development related to escalating military situation in northern Bahr el Ghazal, South Sudan President Salva Kiir ordered the governor of Northern Bahr el Ghazal State and related states bordering southern Sudan to allow nomadic Baggara Arabs to graze around Kiir River to avoid clashes. For the last few days, war broke out between SPLA and armed Baggara trying to enter northern Bahr el Ghazal by force. More than 5 SPLA soldiers are reported dead with more than 20 wounded. The report on the ground further revealed that lots of arms and ammunition were captured from the Baggara.” [89a]

- 17.38 The report added that:

“President Salva Kiir told the press today in Khartoum; ‘We have entered dry season, the movements of the nomads will be frequent, also citizens are moving, there will be inter-states movements. I order all the governors whose states are bordering southern Sudan to open corridors known since 1940s. These people will graze and water their cattle until the beginning of new rainfall’.” [89a]

The question of genocide

- 17.39 USSD Report for 2006 stated: “The government’s human rights record remained poor, and there were numerous serious problems, including evidence of continuing genocide in Darfur, for which the government and *janjaweed* continued to bear responsibility”. [3a] (Section 1g) The report added: “While all sides in Darfur violated international law and international humanitarian law, the government and the *janjaweed* continued to bear responsibility for genocide that occurred in Darfur.” [3a] (Section 1g)
- 17.40 With regard to the first constitutive element, the UN ICI of January 2005 points to the shared religion (Islam), language (Arabic) and high incidence of intermarriage and coexistence that has blurred the ethnic lines along which the ‘Arabs’ and ‘Africans’ in Darfur are divided. [6e] However, the report also states that: “As noted above, in recent years the perception of differences has heightened and has extended to distinctions that were earlier not the predominant basis for identity. The rift between tribes, and the political polarization around the rebel opposition to the central authorities, has extended itself to issues of identity.” [6e] (p130) Consequently the Report

concluded that the victims of attacks in Darfur were a subjective protected group. [6e] (p130)

- 17.41 As to the second constitutive element whether there was genocidal intent the Report states that: "Some elements emerging from the facts including the scale of atrocities and the systematic nature of the attacks, killing, displacement and rape, as well as racially motivated statements by perpetrators that have targeted members of the African tribes only, could be indicative of the genocidal intent. However, there are other more indicative elements that show the lack of genocidal intent." [6e] (p130) The Report noted that the indicative elements included the selectivity of, and apparent reasons for, attacks and killings, and the ability of internally displaced people (IDPs) to collect in camps in which the government allowed humanitarian organisations to administer aid. [6e] (p130-132)
- 17.42 Nevertheless, the UN ICI did stress that:
- "The above conclusion that no genocidal policy has been pursued and implemented in Darfur by the Government authorities, directly or through the militias under their control, should not be taken as in any way detracting from, or belittling, the gravity of the crimes perpetrated in that region. As stated above genocide is not necessarily the most serious international crime. Depending upon the circumstances, *such international offences as crimes against humanity or large scale war crimes may be no less serious and heinous than genocide*. [Emphasis in original document, please refer to source reference, [annex I](#)]. This is exactly what happened in Darfur, where massive atrocities were perpetrated on a very large scale, and have so far gone unpunished." [6e] (p132)
- 17.43 On the front page of its website, Save Darfur Organisation reported on 3 May 2007, under the headlines, 'Help Stop the Genocide in Darfur' that more than 2.5 million people have already been driven from their homes in Darfur, Sudan. Adding that the refugees now face starvation, disease, and rape, while those who remain in Darfur risk displacement, torture, and murder. [69a] "We must act quickly and decisively to end this genocide before hundreds of thousands more people are killed." [69a]
- 17.44 In an article entitled 'the genocide in Darfur - briefing paper, June 2007', Save Darfur Organisation reported that "No portion of Darfur's civilian population has been spared violence, murder, rape and torture. As one illustration of how Khartoum has waged its war, the Sudanese military paints many of its attack aircraft white - the same color [sic] as UN humanitarian aircraft - a violation of international humanitarian law. When a plane approaches, villagers do not know whether it is on a mission to help them, or to bomb them. Often, it has been the latter." [69b]

CENTRAL SUDAN: NUBA

- 17.45 Europa 2005 recorded that the SPLM/A and the Government had agreed to a six-month renewable military ceasefire in the Nuba Mountains area after six days of negotiations in Switzerland during January 2002. [1a] (p1094)
- 17.46 The USSD report for 2006 stated that "Non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the

Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in government jobs and contracts in the North and government-controlled southern areas.” [3a] (Section 2c) The report also stated that “In parts of the South and the Nuba Mountains where civil authorities and institutions did not operate, there were no effective judicial procedures. According to credible reports, military units in those areas summarily tried and punished those accused of crimes, especially for offenses [sic] against civil order.” [3a] (Section 1e)

- 17.47 The Sudan Human Rights Organisation-Cairo (SHRO) released its Human Rights Quarterly, detailing human rights abuses committed between March and November 2005, which states that: “Tens of citizens were severely beaten and subjected to tortures and degrading or inhumane treatment in detention. Students from the marginal regions of the Nuba Mountains and Darfur were most vulnerable to these atrocities.” [17a] (Tortures and deaths in detention)

SOUTH SUDAN: DINKA, NUER AND SHILLUK

- 17.48 The Dinka’s close proximity to cattle-herding Arabic tribes has made them vulnerable to attacks, which have resulted in the death of their men and the abductions and slavery of many of their women and children. (‘World Directory of Minorities’, 1997) [36] (p458)

- 17.49 The USSD Report of 2006 stated that:

“There were occasional reports of intertribal abductions of women and children in the South, primarily in the eastern Upper Nile. The abductions were part of traditional warfare in which the victor took women and children as a bounty and frequently tried to absorb them into their own tribe. There were traditional methods of negotiating and returning the women who were taken in these raids. Many of these women were raped and ‘chose’ to ‘marry’ their abductors, rather than return home where they would be stigmatized. There were deaths in conflicts between ethnic groups, such as continued fighting between Dinka and Nuer or among Nuer tribes.” [3a] (Section 5)

- 17.50 The Anti-slavery website reported an undated profile on Sudan, stating that over 14,000 men, women and children were abducted and forced into slavery in Sudan between 1986 and 2002. [72a]

“The thousands of women and children who were captured in the course of the raids in Sudan were forced into different kinds of abuse, including forced labour as domestic workers, cattle herders, agricultural workers as well as forced marriage and rape. Some were sold or given to others as presents, or hired out as casual workers, for example in agriculture. The money that was paid was given to their masters. In many of these cases, abductees were ill treated including being subject to physical abuse and having food and drink withheld. Separation from their home communities to areas where the people, culture and usually the language are completely unknown, has left these people extremely vulnerable to abuse, especially those abducted as children, and raises complex issues for return and family reunification.” [72a]

- 17.51 It was reported by the British Broadcasting Corporation (BBC), IRIN, the International Federation for Human Rights (FIDH), SOAT and the Foreign and Commonwealth Office (FCO) that, following the Government’s announcement

of the death of John Garang in an air crash at the end of July 2005, three days of deadly clashes in the capital Khartoum, Juba and other towns between southern African Sudanese and northern Arab Sudanese ensued. [9a] [11ak] [38a] [15aa-15ab] [4a] Garang was succeeded by Salva Kiir. (BBC Timeline, 24 January 2008) [9a] (p4)

- 17.52 South Sudan Net reported on 16 August 2007 that cattle raids between south Sudanese tribes have killed 56 people and wounded 16 others in July 2007 in Jonglei, adding that this is the deadliest of such clashes there has been in years. "Cattle raids and revenge killings have been going on for decades, but governor Philip Thon Leek said these were the worst since a peace deal was signed in January 2005 to end a war between the northern government and south Sudanese rebels. 'The number of people who died was 27 Murle and 29 Lou Nuer,' he told Reuters by satellite phone, referring to tribes in the state. 'Both during and after the war, violence has been magnified by the availability of guns'." [66a]

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LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

- 18.01 USSD report for 2006, recorded that: "Homosexuality is a crime, but no one has been prosecuted on the charge; there is societal but not official discrimination against homosexuals." [3a] (Section 5)
- 18.02 According to a letter dated 23 January 2001 from the British Embassy in Khartoum, "The 1991 Criminal Code, proscribes penetrative sexual intercourse between two men or between a man and a woman anally." [4e] (p1) A first-time offence carried a penalty of up to five years' imprisonment and 50 lashes; the same again for a second offence, and for a third offence the death penalty or a sentence of life imprisonment is applied. [4e] (p1) There are no specific penalties that apply to lesbians, and lesbianism is a taboo subject, although the British Embassy understood that some, mainly high-class, women were known to be lesbians. [4e] (p2)
- 18.03 A letter dated 28 February 2005 from the Foreign and Commonwealth Office then stated that there had been no change to the law(s) regarding homosexuality since 2001 and that, whilst they were not aware of any specific cases of persons subjected to inhuman, degrading or persecutory treatment because of their sexual orientation, they would not be surprised to find that this was the case. [4b] (p1)
- 18.04 The International Lesbian and Gay Association's 'World Legal Survey' last updated in July 2000 contained dated and limited information on the situation of gay people in Sudan. [67a]

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WOMEN

- 19.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 19 February 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 15 of the INC states that:
- “(1) The family is the natural and fundamental unit of the society and is entitled to the protection of the law; the right of man and woman to marry and to found a family shall be recognized, according to their respective family laws, and no marriage shall be entered into without the free and full consent of its parties.
- (2) The State shall protect motherhood and women from injustice, promote gender equality and the role of women in family, and empower them in public life.” [94a] (p8)
- 19.02 Article 32 of the INC states that: “(1) The State shall guarantee equal right of men and women to the enjoyment of all civil, political, social, cultural and economic rights, including the right to equal pay for equal work and other related benefits,” [94a] (p14) An article in the *Forced Migration Review* (FMR) of November 2005, produced by the Refugee Studies Centre of Oxford University, stated that: “Women make up the majority of Sudan’s population and in some conflict-affected areas three quarters of the surviving inhabitants are women. Women head households, yet they do not have legal access to land or resources due to discrimination in Sudanese statutory and customary law.” [32a] (p44)
- 19.03 July 2007’s edition in the *Forced Migration Review* (FMR) report stated that:
- “As law enforcement and judiciary officials in Darfur lack the capacity and incentives to uphold and protect human rights, war affected populations remain vulnerable to arbitrary violence and deprivation of physical, material and legal safety. Given the lack of adequate and responsive law enforcement, despite extensive sexual and gender-based violence (SGBV), women in particular are reluctant to seek justice and file complaints against attackers.” [32b] (p33)
- 19.04 USAID reported in its April 2007 monthly update that on 8 March, USAID-supported organisations marked International Women’s Day with a range of events and celebrations across Sudan. “From El Fasheer to Yei, the Sudanese people honored [sic] women’s achievements and rededicated themselves to working toward women’s full participation in society. The US Government has made a long-term commitment to help women worldwide find their voices, achieve their potential, and share in the benefits as well as the duties of development. ‘We are resolved to remove the barriers to political, economic, and social empowerment so that women everywhere may freely chart their own way,’ Secretary of State Condoleezza Rice has stated.” [3n]
- 19.05 USSD report for 2006, however stated that “Women cannot travel abroad without their husbands or male guardian’s permission, however, this prohibition was not enforced strictly for NCP members. To obtain an exit visa, children must receive the permission of their father or their paternal uncle. Women cannot apply for exit visas for their children.” [3a] (Section 5)

- 19.06 AI recorded in its annual report for 2007 that “Even though women were generally not discriminated against in the pursuit of employment, they were not legally permitted to work after 10 p.m., thus limiting their employment opportunities in theory. Nonetheless, many women did work after 10 p.m., and in official positions such as airport security. Women were accepted in professional roles and more than half the professors at Khartoum University were women.” (USSD report of 2006, 6 March 2007) [3a] (Section 5) Adding, “Various governmental bodies have declared that women must dress modestly according to Islamic standards, including wearing a head covering, but police rarely enforced such decrees. Women often appeared in public wearing trousers or with their heads uncovered and that a number of women’s groups were active, focusing on a wide range of social and economic issues.” [3a] (Section 5)
- 19.07 The USSD report for 2006 stated that:
- “Some aspects of the law discriminated against women, including many traditional law practices and certain provisions of Shari’a as interpreted and applied by the government. In accordance with Islamic law, a Muslim woman has the right to hold and dispose of her own property without interference, and women are entitled to inheritance from their parents. However, a widow inherits one-eighth of her husband’s estate; of the remaining seven-eighths, two-thirds goes to the sons and one-third to the daughters. It is much easier for men than for women to initiate legal divorce proceedings. [3a] (Section 5)
- 19.08 HRW reported on 22 August 2007 that:
- “International peacekeepers in Darfur should provide civilian protection and use rapid-response capabilities to protect women from widespread rape and other sexual violence. A report from the UN Office of the High Commissioner for Human Rights (OHCHR) on August 21 [2007] described how government forces and affiliated armed groups in December 2006 captured and systematically raped dozens of women during a large attack in South Darfur. The report is just the latest evidence of widespread sexual violence in Darfur, which has also been documented by Human Rights Watch and others.” [19e]
- 19.09 According to the Sudan-American Foundation for Education (SAFE), which donates to various organisations and institutions in Sudan, there are over 40 universities, colleges and other educational institutes in Sudan. [54a] Among those institutions that SAFE has assisted are the Ahfad University for Women in Omdurman, the International African University, Al Neelain University and Omdurman Islamic University. [54a] Also benefiting were Sennar University, the Sudan University for Science and Technology in Khartoum, University of Juba, University of Khartoum and the El Zaiem El Azhari University College.” [54a]
- 19.10 IRIN News reported on 17 September 2007 that: “The numbers of women facing life-threatening complications during childbirth are very high in El Fasher, in the troubled Darfur region. There is just one maternity hospital serving a large local population, swollen by tens of thousands of displaced people. But often pregnant women don’t reach the hospital in time to be helped.” [10v]

- 19.11 CRIN and UN News both reported on 6 April 2007 that the UN High Commissioner for Human Rights has called for investigations into widespread sexual violence during attacks by Sudanese Government forces and allied militia in Darfur, including against children. In a new report, the High Commissioner's Office described attacks in December 2006 in eastern Jebel Marra, Darfur. At least 15 cases of sexual assault, including rape, had occurred, according to the report and at least two pregnant women were targeted in the violence. [71a], [6ae]
- 19.12 The report stated: " 'Soldiers came in cars heading towards the hills. Three were in green military uniform and the fourth was in civilian clothes. All four of them were armed and all of them raped me', said one 13-year old victim, according to the report. [71a], [6ae] Further adding: "While some women were raped in the villages, others were abducted, taken away, raped, and later released. Based on testimony gathered, it appears that rape during the December 2006 attacks was used as a weapon of war to cause humiliation and instill [sic] fear into the local population. The attacks were indiscriminately aimed at a population of the same ethnicity as some rebel groups and also resulted in civilian death and displacement." [71a], [6ae]
- 19.13 CRIN also reported on 21 August 2007 that a new report from the Office of the High Commissioner for Human Rights that details cases of abduction, rape and sexual violence in South Darfur has called for the Sudanese Government to protect women and children from sexual and gender-based violence. "The report, a follow-up to one issued in April 2007, contains testimonies from victims and eyewitnesses describing how women were abducted, kept as sex slaves or subjected to other human rights violations in Deribat and surrounding towns by the Sudanese Armed Forces (SAF) and affiliated groups. These and other violations occurred in late December 2006 in the wake of air and ground attacks on civilians in the area." [71b]
- 19.14 Relief International (RI), accessed 28 September 2007 reported that: "All of RI's Sudan programs incorporate strategies that can improve the well-being of women and girls. These strategies engage women, and men, in training that can improve the status of women during and after the present conflict. Through RI's health and nutrition, food security and agriculture, and livelihoods programs, women are receiving support and tools that can improve their lives and reduce the effects of poverty and violence" [83a]
- 19.15 RI listed some of the strategies as follows:
- "To combat the risk of violence that women face in collecting firewood, RI is training women on the production and use of Fuel Efficient Stoves constructed of locally-made bricks and organic material. These stoves require less wood and therefore reduce the need for long travel from the relative safety of camps and villages.
 - RI has 17 community training centres in North Darfur. These centres are dynamic sites for local leaders and residents to come together and discuss topics such as sexual and gender-based violence, health, hygiene, and nutrition particularly as it pertains to the welfare of women in the community.

- RI's livelihoods program supports women in the development of business plans and with capital to start small enterprise activities, such as crafts and farming cooperatives. These programs are particularly targeted to combating isolation and poverty common in widows and rape victims.
- RI provides training for medical staff on safe motherhood (pre- and post-natal) care to improve the health and well-being of pregnant and nursing women. These services are provided as part of the standard set of services RI advocates for in local clinics, and they are extended out into even the most remote communities via trained midwives and traditional birthing attendants." [83a]

See also Section:12.05 [Women in Prison](#)

POLITICAL RIGHTS AND LEGAL RIGHTS

19.16 United Nations Development Fund for Women (UNIFEM) reported on 22 September 2005 that the newly formed government has appointed 5 women into the new government. "The cabinet of ministers of Sudan's new government of national unity were sworn in today in the capital city, Khartoum, by Sudanese President Omar al Bashir. Of the 74 ministerial posts in the cabinet, 5 have gone to women, in the areas of health, the environment, agriculture and forestry, and social affairs. The formation of the new government takes place in accordance with the Comprehensive Peace Agreement signed in January this year [2005], and represents a significant mark of progress in terms of power-sharing between the Sudanese government and the Sudan People's Liberation Movement/Army (SPLM/A) from the south." [76a]

19.17 UNFPA reported in its 2006 country office annual report that:

"The state of women's empowerment in Sudan varies across regions and poses a major challenge to policy makers, NGOs/CSOs. Female-headed households account for 11.7%, and 60% among the IDPs. In North, the average age at first marriage increased from 17.5 to 19.9 years in 1993 and 1999 respectively though it varies across the country, from 17 years in Southern Darfur to 21 years in Khartoum. There is no estimated data for South Sudan but traditionally arranged marriage during childhood is common and the estimated adolescent fertility rate (15-19 years old) is at least 200 per 1000. Literacy rates too vary with the North at (49.9%) and the South Sudan at (24%)." [80b]

19.18 The *Sudan Tribune* reported on 29 September 2007 regarding the importance of women being educated, organised and united in order to bring about change. [12u]

"For women to be able to bring changes in Sudan, they must be educated, organize and united before they could achieve anything, SPLM Deputy Secretary General Southern Sector Dr. Anne Itto has said. Opening the first SPLM Women League National Conference, today in Juba, under the theme: SPLM Women; shall power the liberation of the marginalized under the

auspices of SPLM Secretary General Pagan Amum, Anne reminded SPLM Women delegates that late Dr. John Garang used to say that rights are not given but taken by force of unity. She emphasized that if southern Sudanese women understand their problems, then it will be easy to find a solution to it as was the case of southern Sudan problems that were finally resolved through Machakos protocols that pave ways to signing of the CPA on 9 January 2005. She also observed that previously parents in the then liberated areas of new Sudan were much more educated than their children partly because of war situation then. She appealed to all southern Sudanese women to seriously ensure that their children go to school.” [12u]

SOCIAL AND ECONOMIC RIGHTS

Marriage

19.19 The USSD report for 2006 recorded that: “The law establishes the legal age of marriage as 10 for girls and 15 or puberty for boys. There were no reliable statistics on the extent of child marriage.” [3a] (Section 5)

19.20 The same report also stated that:

“Since, under Islamic law, a non-Muslim woman takes on the religion of her husband at marriage, a Muslim man may marry a Christian or Jew, and their children will be considered Muslim. The same is not true for a Muslim woman, who cannot legally marry a non-Muslim unless he converts to Islam. This prohibition usually was neither observed nor enforced in areas of the south or among Nubans (most of whom were Muslim).” [3a] (Section 5)

19.21 UNICEF reported on 7 September 2005 that early marriages particularly in southern Sudan are threatening the education of girls’.

“As schoolgirls here bend their heads over their books, they listen warily for the sounds of angry voices outside. ‘Men come to the edge of the school and yell at us’, says Jackline, 18, a student at Yambio Girls’ Secondary School. ‘People think the girls are hiding here. They think we should be married’. Parents choose to marry off their daughters early for a number of reasons. Poor families may regard a young girl as an economic burden and her marriage as a necessary survival strategy for her family. They may think that early marriage offers protection for their daughter from the dangers of sexual assault, or more generally, offers the care of a male guardian. Early marriage may also be seen as a strategy to avoid girls becoming pregnant outside marriage.” [40c]

19.22 The report added that:

“In southern Sudan, a teenage girl is far more likely to be a wife than a student. Out of a population of over 7 million people, only about 500 girls complete primary school each year. By contrast, one in five adolescent girls is already a mother. Early marriage is common across the region, but in southern Sudan, wracked by decades of civil war, the problem has been exacerbated by endemic poverty.” [40c]

- 19.23 Khartoum US Embassy recorded that Sudanese legal requirements governing marriage and divorce do not apply to non-Muslims. Also, in mixed marriages, the marriage contract is drawn up according to the national laws of each spouse. [88b]

“Under Sudanese law, there are three conditions for a valid civil marriage contract. First, the parties must both agree to the marriage and its conditions. Second, the couple must meet the proper age requirements (minimum age for men is 18; 16 for women). Finally, the marriage contract must be announced, notarized and signed by two Muslim witnesses (Section 26, Muslim Personal Matters Act, 1991). Unofficial, non-registered marriages -- known as orfy or traditional weddings -- are valid but do not guarantee the wife's legal rights. For example, in an orfy customary marriage, a woman is not entitled to alimony or pension, has no judicial protection without official recognition by her spouse, and must file a legal petition to establish her children's' parentage.” [88b]

Forced Marriage

- 19.24 BBC News reported on 18 July 2007 regarding the return of a young Sudanese refugee, one of more than the 3,000 Sudanese ‘Lost boys’ who were given the opportunity to resettle in the US. BBC News reports of John Majok, 26 who returned to the Kenyan refugee camp at Kakuma where he grew up for the first time after six years since moving to America to get married. The report stated that “Many other ‘Lost Boys’ are also taking out bank loans to pay for brides in the camp, who are seen to be girls of good virtue. Such inflation is worrying aid agency officials who say it is encouraging forced marriages. ‘The higher the amount of money you pay, the younger the girl you get and that is where our concern comes in’, says Mohammed Hussein, who heads the camp on behalf of UNHCR.” [9i]

Family Planning

- 19.25 Sudan’s Abortion policy published in November 2005 by the UN recorded that:

“The Government of the Sudan provides direct access to modern methods of family planning. Family planning services were introduced in the country in 1965 when the Sudan Family Planning Association was founded. The maternal and child health and family planning project within the Ministry of Health was established in 1975 and the Sudan Fertility Control Association in 1976. The Sudan Family Planning Association and the Sudan Fertility Control Association provide family planning services throughout the country. The main rationale for family planning is to improve MCH. Family planning services are provided free of charge, and there are no legal restrictions on the importation of contraceptives. Recent studies show that the level of contraceptive use is low but has increased slightly.” [6aj]

- 19.26 The report added that: “The percentage of women using modern methods of contraception in Northern Sudan rose, for example, from 4 per cent in 1977-1978 to 6 per cent in 1989 and 7 per cent in 1992-1993. The total fertility rate for the Sudan has fallen in the last decade from 5.4 children per woman to 4.6 in the period 1995-2000.” [6aj]

- 19.27 In its 2007 country profile, the International Planned Parenthood Federation (IPPF) stated that:

“The Sudan Family Planning Association (SFPA) plays a pioneering role in a country where service delivery is in urgent need of reinforcement. Advocacy and Information, Education and Communication (IEC) represent important objectives since religious and political leaders and the population are unaware of the socio-economic benefits of family planning. SFPA also aims to improve the status of women as an indirect contribution to successful family planning programmes. SFPA provides services through its 93 clinics and government structures, while non-clinical services are delivered through a community based distribution (CBD) project. In 1994, SFPA recorded a total of 30,074 new acceptors and 33,639 couple years of protection. The association meets 64% and 2% of the demand for pills and IUDs respectively. Its programme targets a reinforcement of advocacy and IEC to increase awareness of FP in remote areas and to increase the prevalence rate. Also the integration of development efforts in the rural areas, encouraging literacy and vocational training for women, human resources development, including increasing the number of volunteers.” [86a]

- 19.28 The report added that:

“More than 100 voluntary social workers from grass roots level have been recruited to expand service outreach to remote and isolated rural areas. These dedicated field workers play an important role in raising women's awareness of their reproductive health rights. In addition, they participate actively in combating harmful practices such as female genital mutilation which is widely practised in rural Sudan. These voluntary field workers have won recognition and credibility as effective social agents of change within their communities.” [86a]

Abortion

- 19.29 Sudan's Abortion policy published in November 2005 by the UN stated the following:

“Until 1983, abortion was governed in Sudan by the provisions of the Penal Code of 1 August 1925 (sections 262-267). Under the Code, abortion was prohibited except when performed to save the life of the pregnant woman. A person performing an abortion with the woman's consent was subject to imprisonment for a term not exceeding three years and/or payment of a fine if the pregnancy had not reached the stage of ‘quickening’. A woman performing her own abortion was subject to the same penalties. Harsher penalties were applied if the abortion was performed without the consent of the pregnant woman, if the pregnancy had reached the stage of ‘quickening’, or if the abortion resulted in the death of the pregnant woman. On the other hand, if the unmarried woman performed an abortion on herself in order to conceal her dishonour, the punishment was reduced.” [6]

- 19.30 The report further stated that the code was replaced in 1983 by a new criminal legislation designed to conform more closely to the principles of Islamic law than had the 1925 Penal Code. “The performance of abortions was still prohibited except to save the life of the pregnant woman; but the punishment had been changed to reflect the Islamic penalty of payment of blood money.

Persons who violated the law were subject to the payment of compensation, as well as to imprisonment and payment of fines.” [6j]

- 19.31 Also that the Penal Code was amended once again 1991, resulting in changes in the abortion law.

“The major change was the expansion of the circumstances under which the performance of an abortion was legal. A person who intentionally causes a woman to miscarry is not guilty of an offence where (a) the miscarriage is necessary to save the mother’s life; (b) the pregnancy is the result of rape which has occurred not more than 90 days before the pregnant woman has desired to have the abortion; or (c) it is proved that the quick unborn child has died in the mother’s womb. If the pregnancy is of less than 90 days’ duration, the person who performs the illegal abortion is subject to up to three years’ imprisonment and/or payment of a fine. If the pregnancy is of more than 90 days’ duration, the penalty is increased to up to five years’ imprisonment and payment of a fine. In both cases, the person may be subject to the payment of compensation. As of 1991, the new legislation did not apply to largely Christian Southern Sudan.” [6aj]

- 19.32 A report published by ReliefWeb on 3 May 2006, questioned: “Given the prevalence of sexual and gender-based violence in Darfur, why are safe abortion services and treatment of complications resulting from unsafe abortions or miscarriages not provided at all refugee/IDP health facilities?” [68i]

- 19.33 The report stated:

“Around one in twenty rape cases will result in unwanted pregnancy. Many others result in desertion by husbands and/or in such chronic health problems as pelvic inflammatory disease, HIV and other sexually transmitted infections. Psychological and physical trauma and malnutrition put rape victims at risk of miscarriage. Lack of access to health and contraceptive services cause women to seek unsafe abortions with potentially grave complications rather than carry a child to term. Violence is systematically used as a weapon of war by the Janjaweed militia, a gross breach of international humanitarian law. Similar acts in Rwanda and Bosnia are now considered crimes against humanity. The UN, governments and NGOs working with refugees and IDPs are obliged to provide protection from sexual violence. They must ensure that health services can respond to the consequences of sexual violence, that women and girls are informed of their rights and that culturally appropriate treatment and counselling services are accessible to all women who need them.” [68i]

- 19.34 Further:

“Abortion is legal in Chad if it is a question of saving a woman’s life and protecting her health. Sudanese law allows abortion to save the mother’s life, or when the pregnancy is the result of rape which has occurred not more than 90 days before the pregnant woman expresses her wish to have the abortion, or when the child has died in the mother’s womb. The legal provisions in both countries are unambiguous: a Sudanese woman’s right to life and health is violated if she is forced to carry to term an unwanted pregnancy resulting from rape.” [68i]

Pregnancy and early pregnancy

- 19.35 An IRIN News report dated 18 June 2007 raised concerns regarding teenage pregnancy in Sudan:

“Christine Simon, 18, still has one-and-a-half years of primary school left but she is proud to have reached this level of education, despite growing up away from home, with a baby to support. ‘I want to read, to go on; that is why I came back to school’, Simon said in the Southern Sudan capital of Juba. Growing up a refugee in the Central African Republic (CAR) after the long war in Southern Sudan disrupted her education, Simon fell pregnant. She acknowledges that she was lucky - two of her friends who became pregnant are unlikely to get back to school. She and her former boyfriend have no interest in getting married, leaving his mother and aunt look after the baby, Chantal, while she is in class.” [10ae]

- 19.36 The report added:

“If Simon makes it to the end of next year, she will be one of the relatively small number of girls who finish primary school in Southern Sudan, according to the United Nations Children's Fund (UNICEF). Simon's headmaster reckons that as many as three-quarters of his female students drop out because of pregnancy, some as young as 11. He and two of his colleagues have themselves had daughters dropping out for the same reason. According to Simon, money and gifts are often an incentive to have sex with older men as well as age mates. Furthermore: Teachers say the solution is to set up girls' boarding schools across the state. ‘But then there'd still be the holidays,’ said one. Really, we do not know what is going on.” [10ae]

Fistula

- 19.37 ReliefWeb reported on 21 August 2006 that with assistance from UNFPA, the United Nations Population Fund, the first comprehensive Fistula Centre has opened in the town of Zallenge, Western Darfur. The report noted that the centre is attached to the main hospital and offers a 16-bed repair facility complete with a private consultation room, pre and post-operative wards, and a separate rehabilitation and reintegration unit. [68g] “... In the past, women awaiting fistula repair slept in one tattered tent or on the ground. Following their surgery, patients recovered in one small, cluttered room or shared rooms in other areas of the hospital. The new space dedicated to fistula repair gives long-ignored, ostracized and often mistreated women a special opportunity to regain their health and dignity within the stark conditions of surrounding Darfur.” [68g]
- 19.38 The report added: “ ‘With the opening of this Centre, UNFPA has contributed to the health and welfare of the women of Western Darfur’,” said His Excellency Mr. Musa Adam Yusuf, the Commissioner of Zallenge Province. at the inaugural ceremony held on 27 July 2006. The report added that the centre will be able to treat as many as 1,270 cases per year. Midwives and nurses have been recruited to work at the Centre, educating women about fistula and helping them to recover their dignity once the operation is complete. The Centre will also provide psycho-social counselling for patients, facilitating reintegration into their families and communities.” [68g]

- 19.39 ReliefWeb reported on 10 June 2007 that, the United Nations Population fund (UNFPA) Office in southern Sudan announced that since the beginning of the global campaign to end Fistula launched in 40 countries in 2003, the organisation has been implementing programmes, conducting training sessions and providing essential drugs and equipment aimed at the prevention and treatment of women who are suffering from fistula throughout Southern Sudan. [68h] "Obstetric fistula [is] an abnormal hole in the birth canal caused by prolonged labour without prompt medical attention and [it] leaves women with chronic incontinence and, in most cases, results in stillborn babies. Fistula occurs when emergency obstetric care is not available to women who develop complications during childbirth, which places women living in remote rural areas with little access to medical care at risk. Like maternal mortality, fistula is almost entirely preventable and occurs disproportionately among impoverished girls and women, especially those living far from medical services." [68h]
- 19.40 The report added that:
- "UNFPA estimates that 5000 new cases of obstetric fistula occur every year in Sudan where there are only three fistula centres across the country, in Western Darfur, Khartoum and Juba. In Southern Sudan, there are only eight qualified midwives with six in the capital city of Juba, Central Equatoria, and one each in Eastern and Western Equatoria States. This leaves seven States with no qualified midwives, where women are at an increased risk of developing fistula. This is further exacerbated by the fact that across the ten States of Southern Sudan, there are less than 30 general practitioners." [68h]
- 19.41 Likewise the UN News reported on 12 June 2007 that the UNFPA is leading a global effort to end obstetric fistula, an abnormal hole in the birth canal caused by prolonged labour without immediate medical attention, in Sudan, where 5,000 new cases occur every year. [6af] "Obstetric fistula, which leaves women with chronic incontinence and in most cases a stillborn baby, is almost entirely preventable. However, there are only three health centres for fistula across in the vast country. Occurring disproportionately among impoverished girls and women, it occurs when emergency obstetric care is not available to women developing complications during childbirth. Many Sudanese women live far from the reach of medical services." [6af] Furthermore: "In Southern Sudan where reproductive health problems such as fistula are the leading cause of death and illness for women of childbearing age, there are only eight qualified midwives, and seven of the ten States have none. Further compounding the risk of developing obstetric fistula is the fact that there are fewer than 30 general practitioners in all of Southern Sudan." [6af]
- 19.42 ReliefWeb reported on 19 October 2007 about a number of women who spoke about the impact of their conditions in relation to Fistula at a momentous conference
- "They travelled from different places across Africa - Sudan, Tanzania, Niger, Nigeria, Kenya but their common stories brought them together at Women Deliver, a landmark conference focused on curbing pregnancy-related death and disability. As part of the Campaign to End Fistula, a delegation of six fistula survivors shared harrowing tales of childbirth gone wrong in panel events and plenaries, building awareness on a global platform of this

preventable and treatable injury. Each presentation ended with a call to action, urging greater support and resources for safe motherhood.” [68n]

Prostitution

- 19.43 The USSD 2006 report noted that: “Prostitution was illegal, but widespread throughout the country, and that trafficking in women remained a problem.” [3a] (Section 5)

VIOLENCE AGAINST WOMEN

- 19.44 The USSD report for 2006 stated that:

“There were no laws specifically prohibiting domestic violence. Violence, including spousal abuse, against women was common, although there were no reliable statistics on its prevalence. Women who filed claims were subjected to accusations of lying or spreading false information, harassment, or detention, which made many women reluctant to file formal complaints, although such abuse constituted grounds for divorce. The police normally did not intervene in domestic disputes. The government launched its Violence against Women Action Plan in November; the program included awareness posters and a media campaign of zero tolerance for violence against women, increased the number of female police officers, and expanded training for police in Darfur.” [3a] (Section 5) Adding, “Southern women displaced by the North/South civil war were vulnerable to harassment, rape, and sexual abuse, particularly during informal repatriation to their place of origin.” [3a] (Section 5)

- 19.45 The USSD 2006 report noted that in December, the government participated in the UN’s 16 Days of Activism Campaign to combat violence against women. However, “the police arrested unmarried pregnant women who claimed to have been raped and that unless a rape victim could provide proof of the crime, she could be charged with the capital offense [sic] of adultery.” [3a] (1g) Additionally “The punishment for rape under the law varies from 100 lashes to 10 years’ imprisonment to death. Spousal rape is not addressed. In most cases convictions were not publicized; however, observers believed that sentences often were less than the legal maximum.” [3a] (section 5)
- 19.46 IRIN News reported that the Ugandan government stated at a meeting the previous day [8 May 2007] that: “The rebel Lord’s Resistance Army (LRA) continued to hold thousands of abducted children and women, despite repeated pleas for their release from both the state and international organisations. Okello Oryem, a junior foreign minister and deputy head of the government delegation to peace talks with the LRA in Southern Sudan, told reporters in Kampala that we keep reminding the LRA about the request over the issue and on numerous occasions we tell them face-to-face to release the children and women they hold hostage. The answer we get is that the women and girls are their wives and children. The LRA has been widely accused of killing and maiming civilians and abducting thousands of children and using them to fight or become servants and wives of adult soldiers. [10ff]
- 19.47 The World Organisation against Torture (OMCT) reported on 9 March 2007 about violence against two women who were sentenced to death by stoning on adultery charges. The report stated that the International Secretariat of OMCT had been informed by SOAT, a member of the OMCT network, of the

recent sentencing to death by stoning of two women by the criminal court of Al-Azazi, Managil province, Gazeera state. [55d]

- 19.48 The report added that, SOAT had received information that the court, headed by Judge Hatim Abdurrahman Mohamed Hasan, had sentenced to death by stoning Ms. Amouna Abdallah Daldoum (23 years old) and Ms. Sadia Idries Fadul (22 years old from Tama tribe, Darfur), on 6 March 2007 and 13 February 2007 respectively, for committing adultery. "The two women were charged under article 146 (a) of Sudan's 1991 Penal Code, which states that 'whoever commits the offence of adultery shall be punished with: a) execution by stoning when the offender is married (*Muhsan*); b) one hundred lashes when the offender is not married (*non-muhsan*)'." [55d]

- 19.49 HRW reported that in July 2007 the UN Office for the Coordination of Humanitarian Affairs (OCHA) recorded that:

"Members of militia forces regularly perpetrate crimes of sexual violence against women and girls engaged in income generating activities, such as farming or collecting firewood, grass, and water. Market days are especially dangerous: armed men will intercept people coming to or from their homes to buy or sell goods. Attackers are often dressed in a variety of military uniforms and travel in small groups of men on horses and camels. They demean women and girls because of their African ethnicity, calling them 'slaves' and 'Tora Bora', meaning 'rebel', as they beat them with whips, gun butts, or fists. Victims of these abuses have been told to get off the land and stop collecting wood. Fighters from the SLA/Minawi former rebel group are also implicated in sexual violence, especially in the area of Tawila and Korma in North Darfur in 2007. Women and girls are often targeted because of their ethnicity and accused of supporting the SLA/Abdul Wahid rebel faction. Government soldiers and other state actors have also committed acts of sexual violence both in large attacks against entire populations, as was the case in Dereibat, and in small attacks against women and girls inside and outside camps and villages." [19r]

- 19.50 The report added:

"The issue of sexual violence remains shrouded in silence. Social stigmatization prevents many victims from telling relatives, doctors, or police what has happened to them. Some government officials deny that rape is a serious problem in Darfur, and humanitarian aid workers are afraid of jeopardizing their work if they speak out about the issue. This allows the police to ignore victims or seek to punish them by countering their claims with charges of adultery." [19r]

Rape

- 19.51 AI, HRW, ReliefWeb, UN and BBC News all reported of the continuing violence against women particularly rape of women and girls and all concurred that rape was widespread. [16y],[19r],[68i],[6q],[9j]. AI recorded in its annual report for 2007 that violence against women was prevalent. [16y] (p3)

"Rapes of women by Janjawid militias in Darfur remained systematic. Most rapes of women took place when they ventured outside IDP camps to collect firewood. Other women were raped after Janjawid attacks on villages. The

perpetrators benefited from almost complete impunity. Authorities routinely took no effective action to investigate women's complaints of rape. At worst, raped women were arrested for adultery. [16y] (p3) In May military police travelling by train to Nyala raped six women near Belail IDP Camp. Community leaders reported the rapes to the police, who immediately arrested three men. By the following day they had all been released. Janjawid accompanying the armed forces offensive in North Darfur in September captured five girls and women aged between 13 and 23 in the village of Tarmakera, south of Kulkul. They were reportedly raped and severely beaten before being released the following day." [16y] (p3)

19.52 IRIN Country Profile 2007 stated that:

"A number of constraints continue to challenge the implementation of women's rights, including patriarchal customs and continuous conflict between written law and customary/religious laws, according to the UN Development Fund for Women (UNIFEM). In the ongoing Darfur crisis, women and girls remain vulnerable to sexual attacks in remote areas when they go out to fetch water or take their wares to the market, according to Human Rights Watch (HRW)." Furthermore, Sudan has not ratified the UN Convention on the Elimination of All Forms of Discrimination Against Women, in relation to the protection of women's rights. [10a] (p4)

19.53 Physician's for Human Rights (PHR) reported on 14 May 2007 that:

"The widespread use of rape of women and girls as young as eight in Darfur has been a horrific reality since the violence there began in 2003. Systematic rape, used to terrorize and humiliate both the victims and their families, is a crime against humanity. Currently, women and girls are being raped when they leave the relative security of the camps for refugees and the internally displaced to gather firewood and water, vital commodities. The vast majority of these crimes are being perpetrated by the Janjaweed militias who carry out attacks with the support of and in concert with the Government of Sudan (GOS)." [34e]

19.54 The USSD report for 2006 stated that:

"Women in Darfur were particularly vulnerable to abuse and rape. Many victims did not report their cases either to family or authorities for fear they would be punished or arrested for 'illegal pregnancy.' Local authorities often exacerbated the problem by requiring rape victims to file a police report before receiving medical treatment, despite an October 2005 decree that waived the requirement." [3a] (Section 5) The report however noted that according to the UN and several international NGOs, many local police were unaware of the new policy and still required a formal report. The report added that in December 2005 the government did participate in the UN's '16 Days of Activism Campaign' to combat violence against women, however, "Many women distrusted the police, and few victims actually filed reports." [3a] (Section 5)

19.55 The report also noted that "The police arrested unmarried pregnant women who claimed to have been raped and unless she could provide proof of the crime, a rape victim could be charged with the capital offense [sic] of adultery." [3a] (Section 5) Furthermore: "While no law specifically prohibits sexual

harassment, it does prohibit gross indecency, which is defined as any act contrary to another person's modesty. The penalty for gross indecency is imprisonment of up to one year and 40 lashes. Harassment reportedly occurred, although reliable statistics were not available. There were frequent reports of sexual harassment by police in Darfur and elsewhere." [3a] (Section 5)

19.56 The UN Secretary General's (UN SG) Report of 27 July 2007 stated that:

"During the reporting period, the female population of Darfur continued to be the target of systematic sexual and gender-based violence. In a single camp for internally displaced persons in Western Darfur, Massalit women and girls between the ages of 15 and 60 were involved in at least eight different reported incidents of sexual and gender-based violence between late January and early March 2007; in February alone, nine female internally displaced persons, including two girls under the age of 10, were raped in six separate incidents in various parts of Darfur, usually near camps for internally displaced persons; and, in a 14 April incident, a 10-yearold girl was physically assaulted and raped by an armed man on the outskirts of the Hamadiya camp in Zalingei (Western Darfur) while collecting firewood outside the camp with seven other women." [6q]

19.57 In its 2007 world report on events of 2006, Human Rights Watch (HRW) noted that:

"Rape and sexual violence continue to be pervasive throughout Darfur, with attacks on women and girls taking place both in the context of hostilities between the warring parties as well as when internally displaced women and girls travel outside camp settings to collect firewood and other items. In just one example in August, aid workers reported that more than 200 women and girls were sexually assaulted over a five week period in Kalma, the largest displaced persons camp in South Darfur." [19p]

19.58 ReliefWeb also reported on 3 May 2006 regarding the continuing violence against women: "... Cases of rape of and violence against women in Darfur and in refugee camps in Chad are well-documented. These occur while women are collecting water, fuel or animal fodder, or during imprisonment. There have also been cases of women being forced to submit to sex in exchange for 'protection' by police officers and male camp residents. Between October 2004 and February 2005, Medecins sans Frontieres (MSF) teams in West and South Darfur treated almost 500 women and girls who had been raped almost a third of whom had been multiply raped. These figures probably represent only a fraction of cases as Sudanese women, like women in other conflict zones, refuse to report forced sex for fear of isolation, abandonment and stigma." [68i]

19.59 RI reported on 28 June 2007 that a report regarding Sudanese laws, exposes an unjust system that compounds rape victims' trauma [81b]

"Sudan's laws governing rape expose rape victims to further abuse, shield perpetrators from prosecution, limit the ability for survivors to receive medical services and generally deny any access to justice, according to a detailed analysis by Refugees International. The crisis of rape in Sudan's Darfur region can't be addressed until Sudan revises its laws, says the report, 'Laws Without

Justice: An Assessment of Sudanese Laws Affecting Survivors of Rape'. The Refugees International report examines Sudan's laws on rape and makes a series of recommendations on how they can be revised. The report also encourages international support of Sudanese civil society organizations and opposition members of Parliament who are calling for changes to these laws. Laws Without Justice was written by Adrienne Fricke, an Arabic speaking lawyer, and Amira Khair, a Sudanese human rights advocate who has worked extensively with rape victims in Darfur, after extensive interviews and legal analysis in Sudan." [81b]

19.60 The report added:

" 'Much has been written about the scale of rape in Darfur', Fricke said. 'But unless we understand the legal mechanisms that are creating and reinforcing the problem, it will be impossible to bring justice to the victims or reduce the incidence of rape. Denying justice to these women only compounds the terrible physical and psychological trauma of rape'." [81b]

19.61 Physicians for Human Rights (PHR) reported on its website regarding the continuing rape and sexual violence against women in IDP camps. The report noted:

"Rape and sexual violence continue at an alarming rate in the ongoing genocide in Darfur. Sudanese security forces, including police deployed to protect Internally Displaced Persons (IDPs), and allied Janjaweed militias have been implicated in acts of rape and sexual violence. Women IDPs and refugees report also being forced to exchange sexual favours for desperately needed goods and services. The Office of the Prosecutor of the International Criminal Court has identified 'high numbers of... mass rapes and other forms of extremely serious gender violence'." [34a]

19.62 The report continued:

Mass rapes in Darfur effectively terrorize the people, break their will, and destroy the fabric of society. In addition to causing horrific mental and physical trauma, rape has serious social and economic consequences in Darfuri society, often making the victim ineligible for marriage and causing her to be ostracized by the community and even her own family. [34a]

FEMALE GENITAL MUTILATION (FGM)

19.63 The USSD 2006 report recorded that:

"FGM remained widespread, particularly in the north, although it was becoming less common as a growing number of urban, educated families abandoned the practice. In a compromise with tradition, some families adopted clitoridectomy, the least severe form of FGM, as an alternative to infibulation. Although no form of FGM was illegal, the health law prohibited doctors and midwives from performing infibulation. The government did not support FGM and actively campaigned against it. One local NGO worked to eradicate FGM." [3a] (Section 4

19.64 According to Ms. Asha El-Karib, who addressed Canada's Standing Senate Committee on Foreign Affairs in May 2005:

“Female genital mutilation in Sudan is a serious challenge for women and girls in the country. The rate of prevalence of female genital mutilation in Sudan is still over 80 per cent, despite years of work from activists, civil society and women’s groups to fight the practice. It has, of course, very serious impacts on women in different aspects. First, there are serious impacts on the health of girls and women. In most cases, the environment is very bad, the utensils used are unhygienic, and girls often die through or because of the effect of the practice. During adolescence and early marriage and throughout their reproductive lives, when women give delivery and also in situations where the health service is very poor, they suffer from bleeding and difficult labour and they die because of those ... Female genital mutilation is psychologically harmful to women and girls. They live the trauma throughout their lives. They get very little support and assistance in this area. There are many incidents of psychological stress, depression and even mental breakdown because of the practice of female genital mutilation. It is a serious violation of girls’ rights, as it is practiced on very small girls. In some areas of Sudan, female genital mutilation is practiced on seven-day-old babies.” [39a] (p12)

- 19.65 An IRIN News report of 25 May 2005 outlined the continuing practice of FGM in Sudan.

“Omnia was nine years old the day she was forced onto a cold metal table by her mother and grandmother and circumcised by a stranger. Now 22, she has never forgotten the incident. ... According to experts, circumcision of women which is now widely known as female genital mutilation (FGM) is more commonly practised in Sudan than anywhere else in the world. Across the East African country, FGM is a respected custom. Although its origin is still unknown, many argue that it is practised for the sake of religious commitment or tradition. It is also believed to control the sexual appetite of a woman, thereby minimising promiscuity. ... According to the UN Children’s Fund (UNICEF), almost 90 percent of Sudan’s female population undergo ‘the cut’ especially in the north. In many cases it is practised in its most extreme form: infibulation or pharaonic circumcision.” [10p]

- 19.66 The USSD report for 2006 recorded that: “FGM [Female Genital Mutilation] on girls was performed commonly in rural areas and less in the cities” [3a] (Section 5) (also see section 20.04)

- 19.67 ReliefWeb reported 2 June 2006 that a new study published by the WHO showed that women who have had FGM are much more likely to experience difficulties during childbirth and that their babies are more likely to die as a result of the practice.

“... The study showed that the degree of complications increased according to the extent and severity of the FGM. ‘As a result of this study we have, for the first time, evidence that deliveries among women who have been subject to FGM are significantly more likely to be complicated and dangerous’, said Joy Phumaphi, Assistant Director-General, Family and Community Health, WHO. ‘FGM is a practice steeped in culture and tradition but it should not be allowed to carry on. We must support communities in their efforts to abandon the practice and to improve care for those who have undergone FGM. We must also steadfastly resist the medicalization of FGM’.” [68f]

19.68 The report stated further that:

“Although practices vary from country to country, FGM is generally performed on girls under 10 years of age and leads to varying amounts of scar formation. It is not entirely clear why FGM leads to increased complications during childbirth, but one possible explanation is that this scar tissue is relatively inelastic and can lead to obstruction and tearing of the tissues around the vagina during childbirth. Obstruction can lead to prolonged labour, which increases the risk of caesarean section, heavy bleeding, distress in the infant and stillbirth. Women with FGM are also more likely to undergo episiotomy (surgical cut during delivery to prevent vaginal tears).” [68f]

19.69 The report also noted that there are different types of female genital mutilation known to be practised today. They include:

- Type I (FGM I) - excision of the prepuce, with or without excision of part or all of the clitoris;
- Type II (FGM II) - excision of the clitoris with partial or total excision of the labia minora;
- Type III (FGM III) - excision of part or all of the external genitalia and stitching/narrowing of the vaginal opening (infibulation) [68f]

19.70 UNFPA in a report in 2004 gave an overview of the situation in Sudan and reported that: “Female genital cutting is observed throughout Sudan, although at varying degrees of prevalence in different regions. The data collected in the 2003 Safe Motherhood Survey found that 90 per cent of women aged 15 - 49 were circumcised in northern Sudan, and 49 per cent in West Darfur.” [80a]

19.71 SOAT’s annual report on the human rights situation in Sudan March 2005 to March 2006 stated that:

“Historically women have been assigned a gender role; this reality was no different in 2005-2006. Throughout the year, there continued to widespread practice of female genital mutilation (FGM) on girls as young as five resulting in deaths. Despite much campaigning from women groups inside Sudan, and public statement from government officials, there was no attempt to amend the law to legalise the practice of FGM. Rather, the Ministry of Health issued a strategy paper, stating that the government aims to combat all forms of FGM mindful that there is no type of FGM, which is safe and acceptable. In addition, the Medical Council issued a decree, which forbids doctors from practicing FGM and the Midwife Oath.” [15d] [p63]

Government attitude/policy to FGM

19.72 The USSD’s report on FGM or Female Genital Cutting (FGC), released on 1 June 2001 stated that:

“The government of Sudan publicly opposes Type III or infibulation. Although today there is no law against FGM/FGC, Sudan is the first country in Africa to have a record of legislating against it. As early as 1930 an article appeared, written by a medical student, about the harmful effects of the practice and urging that it be abolished. Sudan was then under an Anglo-Egyptian

administration. The article was withheld from distribution by government authorities.” [3q]

- 19.73 The report also added that: “In 1943, a medical committee was set up by the governor-general to study the practice. The conclusion was that it was cruel and should be abolished. A radio and media campaign followed. Nothing, however, was done. As a result, an amendment to the 1925 Penal Code was introduced in 1946 to outlaw Type III. The 1946 Penal Code prohibited Type III, but permitted the less severe form. Families hurried to have their girls’ infibulated before the law went into effect. The law provided for imprisonment up to seven years and a fine for those who carried out the procedure. There were violent demonstrations after the first arrests.” [3q] However, the report further added: “Despite a massive effort to eradicate the more severe form of FGM/FGC and a law that prohibited it, there has been little effort over the years to enforce it.” [3q]

- 19.74 The *Sudan Tribune* reported on 3 September 2003 that:

“Sudan, which has the highest prevalence of female genital mutilation (FGM) in the world, has made a commitment to ban the practice. At the end of a regional three-day symposium held last week in Khartoum, Health Minister Ahmed Osman Bilal expressed his government’s commitment to eradicate FGM at all levels, according to a summary of proceedings provided by UNICEF. He said the government would produce a legislative framework banning the practice, which would be supported by a public statement by the president of Sudan, and accompanied and followed up by educational and awareness programmes.” [12ab]

- 19.75 The report added that:

“Almost 90 percent of the female population in the north of the country undergo ‘the cut’, which in many cases is practised in its most extreme form, known as infibulation. The minister stated that FGM was now considered a prohibited act for all medical practitioners. He endorsed a recommendation to widely publicise and implement the ban, and introduce stiff penalties for those who continue to perform the operations. ... FGM had no religious basis and said religious leaders would be involved in educating people.” [12ab]

- 19.76 The USSD’s Report 2006 noted that: “The government did not support FGM and actively campaigned against the practice. Although no form of FGM was illegal, the health law prohibited doctors and midwives from performing infibulation, and that one local NGO worked to eradicate FGM.” [3a] (Section 5)

WOMEN: WEST SUDAN (DARFUR)

- 19.76 IRIN News reported on 24 August 2006 that:

“More than 200 women have been sexually assaulted in the past five weeks alone around Kalma camp, Darfur’s largest for internally displaced persons (IDPs), the International Rescue Committee (IRC) warned. ... Another 200 women and girls reported being beaten, punched and kicked by unidentified armed men who confronted them a few miles outside the camp near Nyala, the capital of South Darfur State. ... The women have no choice but to leave

the relative safety of their camp to search for firewood forcing them to walk several miles into the bush. If men went instead, they would be killed.” [10ao]

19.77 The *Sudan Tribune* reported on 19 July 2006 that:

“Darfur peacekeepers should include more women and should be trained in women’s rights to help reduce widespread rape and sexual slavery, rights group Amnesty International said. ... Thousands of women have been raped during three years of violence in Darfur, a region the size of France in west Sudan, and an underfunded 7,000-strong African Union (AU) peacekeeping mission has struggled to protect civilians.” [12h]

19.78 In its March 2006 report, the UN Secretary General (UN SG) remarked that:

“The attitude of high-level state authorities towards sexual and gender-based violence appears to have shifted, with the Governors of the three Darfur states acknowledging the existence of the problem. However, there is still no evidence that systematic measures are being taken on the ground, including legal proceedings against suspected perpetrators. Children remain targets of sexual violence. In particular, UNMIS was following up on five separate cases in Northern and Western Darfur between late November 2005 and January 2006, in which strong evidence has emerged that children under 15 years of age were raped.” [6b] (p3)

19.79 HRW reported on 22 August 2007 that:

“... Women in Darfur are also at risk of sexual violence outside the context of large attacks. Women risk being raped if they leave their camp for internally displaced people to search for firewood. In some areas, the current African Union Mission in Sudan (AMIS) has provided ‘firewood patrols’ to accompany groups of women once or twice a week as they gather firewood. But these patrols have often been ineffective due to poor organization, lack of resources, and lack of communication with the people who benefit from the patrols. Human Rights Watch welcomed the recent agreement on a proposed AU-UN hybrid force for Darfur. However, that force will not be on the ground until next year. [19e] Furthermore: “In 2005, the UN Security Council referred the situation in Darfur to the International Criminal Court (ICC). When serious sexual violence forms part of a widespread or systematic attack against civilians, it can constitute a crime against humanity. In the case of Darfur, such crimes could be prosecuted under the jurisdiction of the ICC.” [19e]

WOMEN: SOUTH SUDAN

19.80 A Study of Customary Law in Contemporary Southern Sudan of March 2004 notes that:

“Within southern Sudanese society the role and status of women is seen as a reflection of a culture that places a premium on the cohesion and strength of the family as a basis of society. The male is the undisputed head of the family and marriage as [a] means of strengthening the bonds between families and clans within tribes. The role of women in this social pattern is that of cementing family ties through ‘bride-wealth’ and of producing children. To the outside observer, particularly one whose culture is based upon the rights of

the individual, the status of women in this role is that of property. Notwithstanding the fact that these cultural practices have evolved over countless generations and survived twenty years of war, some in the international arena view their effects upon the status and role of women to be repugnant and clamour for change.” [18i] (p7-8)

19.81 The March 2004 study on customary law in southern Sudan states that:

“There is no doubt the current status and role of women and children in southern Sudanese society must and will change. There are however, considerable questions concerning how best to bring these changes about. Much of southern Sudanese customary law has evolved to deal with personal issues of family, marriage [,] children and wealth. To attempt to impose revolutionary change in human and individual human rights, particularly those of women, would come in direct conflict with most customary law systems and impact upon the very foundations of the majority of southern Sudanese tribal societies.” [18i] (p8)

19.82 The USSD report for 2006 stated that “Displaced women from the South were particularly vulnerable to harassment, rape, and sexual abuse while returning home.” [3a] (Section 5) Whilst the November 2005 FMR report records that: “During resettlement, women face specific challenges including increased burdens as female heads of household, little access to healthcare and education, and few economic opportunities.” [3a]

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CHILDREN

BASIC INFORMATION

- 20.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 19 February 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 14 of the INC states that: "(1) The State shall adopt policies and provide facilities for child and youth welfare and ensure that they develop morally and physically; and protect children from moral and physical abuse and abandonment." [94a] (p7)
- 20.02 The USSD report for 2006 recorded that a large number of children suffered abuse, including abduction, enslavement, and forced conscription during the reporting year. [3a] (Section 5)
- 20.03 The report also stated that "Although mandated by the constitution to protect children from exploitation, the government did not effectively do so, and child labor was a serious problem. The legal minimum age for workers was 18 years, but the law was not enforced in practice. Young children worked in a number of factories, and severe poverty produced widespread child labor in the informal and rural farming economy." [3a] (Section 6d) Save the Children (UK)'s September 2004 Report recorded that: "According to recent assessments, some children in North Darfur have been abducted to drive looted animals." [24a] (p5) In comments to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR pointed to the exacerbation of child labour by the conflict in Darfur and "... notes that in the IDP camps children are working who would not have worked at home." [20a] (p5)
- 20.04 The same report noted that "The government's commitment to children's rights and welfare was uneven." FGM [Female Genital Mutilation] on girls was performed commonly in rural areas and less in the cities" [3a] (Section 5)
- 20.05 Additionally:
- "The government operated 'reformation camps' for vagrant children. Police typically sent homeless children who had committed crimes to these camps, where they were detained for indefinite periods. Health care and schooling at the camps generally were poor, and basic living conditions often were primitive. All of the children in the camps, including non-Muslims, must study the Koran, and there was pressure on non-Muslims to convert to Islam. In the camps, the PDF often conscripted teenage males (and, in the South, some females). Conscripts faced significant hardship and abuse in military service, often serving on the frontline. There were reports that abducted, homeless, and displaced children were discouraged from speaking languages other than Arabic or practicing religions other than Islam." [3a] (Section 5)
- 20.06 Furthermore:
- "Child prostitution, trafficking of children, and sexual abuse of children remained problems, particularly in the south (see sections 1.c. and 5, Trafficking). Children engaged in prostitution for survival, usually without third-

party involvement. Child labor remained a problem mainly in the informal sector. (see section 6.d.). In the south children, particularly girls, often worked in the fields.” [3a] (Section 5)

20.07 The report continued that:

“The law provides for free basic education, but students have been expelled from class for failing to pay school fees. On August 8 [2005], the government issued a decree prohibiting dismissal of students for non-payment of school fees. There were wide educational disparities among states and sometimes between genders, particularly in the eastern and western regions; for example, enrolment was 78 percent in Khartoum State and only 30 percent in the eastern part of the country. In the North boys and girls generally had equal access to education (enrolments of 50 and 47 percent, respectively), although girls were more affected by early marriage and the fact that many families with restricted income chose to send sons and not daughters to school.” [3a] (Section 5)

20.08 UNICEF reported on 2 July 2007 that the Ministry of Social Affairs for Khartoum and UNICEF announced the launch of a communication campaign to prevent the abandonment of infants, change public attitudes to the issue, and increase *kaffala*, (the Islamic system of community care for vulnerable children), marking a step away from institutional care towards placement of children with alternative families. [40a] “In 2003 an assessment undertaken by a joint Government and UNICEF task force found that an estimated 100 new born babies were being abandoned on the streets of the capital Khartoum every month. Half of these were dying on the streets, the others left with no alternative but institutional care. These alarming statistics led the Ministry, UNICEF and other agencies to develop a pilot programme of alternative family care, which today officially becomes a new policy for caring for abandoned children.” [40a]

20.09 The report also added

“Based on the Islamic system of *kaffala* which requires communities and families to support the welfare of vulnerable children, some 500 Emergency Alternative Families have been identified, willing to provide temporary care for babies who have been abandoned and would otherwise face childhood in an institution. This period of temporary care allows social workers and agencies to trace birth parents, and attempt reunification of babies with their own families. Permanent Alternative Families have also been identified, to provide longer-term care for children who cannot be reunited with their original parents.” [40a]

20.10 Likewise the CRIN reported on 3 July 2007 that the UN Children's Fund and Sudanese authorities have launched a campaign to prevent people from abandoning infants and to find temporary families to avoid placing the children in institutions. “A joint assessment carried out in 2003 by the Government and UNICEF found that an estimated 100 newborns were being abandoned on the streets of the capital Khartoum every month. ‘Half of these were dying on the streets, the others left with no alternative but institutional care’, the agency stated.” [71e]

20.11 The report added:

“These ‘alarming statistics’ led the Ministry of Social Affairs for Khartoum State and UNICEF to develop a pilot programme to move away from institutional care towards the placement of children with alternative families. Evidence shows that children’s development is improved when placed within alternative families, including dramatic changes in motor, language and social development, the agency noted. Based on the Islamic system of kaffala, which requires communities and families to support the welfare of vulnerable children, some 500 emergency alternative families that are willing to provide temporary care for abandoned babies have been identified.” [71e]

20.12 The report continued:

“The launch of the initiative coincides with the planned closure of Khartoum’s largest orphanage, Maygoma, which in 2004 received nearly 700 new referrals despite concerns over the quality of care being provided to abandoned children. In the last three years, as the pilot family care programme was developed and non-governmental organizations assisted in the management of the orphanage, more than 2,500 children were moved to the family care system.” [71e]

20.13 CRIN again reported on 17 September 2007 that:

“Sudanese children continue to face grave violations of their human rights, from being recruited and used by armed forces and groups to suffering rape or sexual abuse at their hands, according to Secretary-General Ban Ki-moon’s latest report on children and armed conflict in the African country. Mr. Ban says the situation in general for Sudanese children ‘is showing small signs of improvement’, but cases of killings, abductions and rapes are still being recorded and the ongoing conflict in the Darfur region means there is limited humanitarian access to children at risk. “... Mr. Ban voices deep concern that ‘sexual violence against women and girls continues with impunity throughout the country’, and especially in Darfur, where rebel groups have been fighting Government forces and allied Janjaweed militia since 2003. He calls on Khartoum to step up its efforts to enforce the rule of law, including by establishing child and women protection units within the police force and by training social workers and judicial officials.” [71c]

20.14 UNICEF in its humanitarian action report 2007 recorded that:

“In Southern Sudan, UNICEF will ensure that 750,000 children already enrolled remain in school; enrol an estimated 500,000 out-of-school boys and girls, orphans and vulnerable children (OVC) and demobilized child soldiers as well as 100,000 returnee children, and promote their participation in basic education (including alternative learning systems for over-aged girls and out-of-school youth); improve the skills of 2,500 teachers/facilitators through fast-track training on interactive teaching methodologies, and provide intensive English language training to 200 returnee teachers. In North Sudan, UNICEF will ensure access to quality basic education for an additional 59,500 primary school-aged children, and nearly 9,500 nomadic children in Abyei and Darfur; strengthen the capacity of local educationalists through vocational and teacher training for 2,000 adolescents and 155 teachers; and reach 100,000 children and 200 teachers with correct information and life skills to reduce their risk of acquiring HIV/AIDS and increase their ability to inform others.” [40f]

- 20.15 The *Sudan Tribune* reproduced allegations in an article by the *Daily Telegraph* (London), originally published on 3 January 2007, stating that the UN peacekeepers and civilian staff were raping and abusing children as young as 12 in southern Sudan.

“The newspaper, in a story posted on its Web site, said it had gathered accounts from more than 20 young victims in the town of Juba of U.N. civilian and peacekeeping staff forcing them to have sex. The abuse allegedly began two years ago when the UN mission in southern Sudan (UNMIS) moved in to help rebuild the region after a 23-year civil war. The UN has up to 10,000 military personnel in the region, of all nationalities and the allegations involve peacekeepers, military police and civilian staff. The first indications of sexual exploitation emerged within months of the UN force’s arrival and The *Daily Telegraph* has seen a draft of an internal report compiled by the UN children’s agency UNICEF in July 2005 detailing the problem.” [12ac]

- 20.16 The report added that:

“... The allegations will be deeply embarrassing to the new UN Secretary General, Ban Ki-moon, as the UN is pushing to be allowed to launch a new peacekeeping mission to help end the humanitarian crisis in Sudan’s north-western region, Darfur. *The Telegraph* understands that the Sudanese government, which is deeply opposed to the deployment of UN troops to Darfur, has also gathered evidence, including video footage of Bangladeshi UN workers having sex with three young girls. Further adding that many of the children who claim to have had sex with UN personnel in Juba belong to southern Sudan’s ‘lost generation’, who have been separated from their families by the recent civil war, and are now sleeping who now sleep rough on the streets of Juba, the regional capital.” [12ac]

- 20.17 An article in the Forced Migration Review (FMR) of July 2007 stated that:

“The protection and well-being of children in Sudan are at a crucial juncture. While children in the South are enjoying improved security and access to services, those in Darfur continue to face appalling levels of violence and denial of basic services. Protection of children must be at the forefront of efforts to bring peace and stability to Sudan.” [32b] (p36)

- 20.18 UNICEF reported on 5 November 2007 that the Executive Director of UNICEF Ann M. Veneman expressed her optimism at the progress she had witnessed for women and children, during her recent tour in Sudan, while noting that more efforts were needed, especially in tackling high rates of child and maternal mortality.

“Ms. Veneman was particularly impressed by the number of children now learning again in Southern Sudan. In the town of Malakal, she toured classrooms in one UNICEF-supported school to see firsthand how enrolment had leaped in the last two years, since the Comprehensive Peace Agreement that ended Sudan’s civil war. Across Southern Sudan, primary school attendance has almost tripled from wartime estimates of 340,000 to some 1.2 million children now in classes.” [40b]

- 20.19 Save the Children reported in November 2006 that a newly formed child Protection Unit has been established in Khartoum, northern Sudan.

“Sudan Police has officially formed a Pilot Child/Family Protection unit within a Rights Framework. This initiative is jointly supported by SCS Northern Sudan Programme in collaboration with UNICEF and Sabah (a local NGO who has been a long standing partner of SCS). This unit had been formed under the auspices of the Police Public Law and Order Dept. previously considered notorious for its gross violations of Human Rights in general and wide practice.” [40b]

20.20 In UNICEF’s report above, Ms. Veneman described the new unit as a potential model for the rest of Africa in both raising awareness of, and providing support to, those affected by gender-based violence. “ ‘I come away from my time in Sudan with a sense of optimism about progress being made in many parts of Sudan’, said Ms. Veneman. ‘And while there is a lot to be done and lot of issues to be resolved, especially in Darfur,’ she added, “I think that the country is generally headed in the right direction with regards to progress for women and children’.” [40b]

20.21 A May 2007 report by Save the Children recorded the following, regarding the impact of children in the prolonged civil strife in Darfur, noting that children are particularly vulnerable to the violence, displacement, hunger, disease, abuse and exploitation that is prevalent in the conflict situation. An estimated 1.7 million of the conflict-affected are children under the age of 18, whilst as close to 600,000 children are under the age of five. [24f]

- “Children have been displaced from their homes and are in need of shelter
- Children are at risk of rape, abduction, recruitment into fighting forces, harassment and widespread violence
- Children have not got adequate food, clean water, basic healthcare and education. Malnutrition rates for under fives may be as high as 33 %
- Hundreds of children have been separated from their families, leaving them extremely vulnerable.” [24f]

20.22 Save the Children reported on 9 January 2008 that three years after the Comprehensive Peace Agreement was signed between north and south Sudan, thousands of children are still facing death.

“One in four children in Southern Sudan dies before the age of five, mainly from easily preventable diseases such as malaria and diarrhoea. Tens of thousands of families still have very limited access to basic healthcare, with just one trained doctor for every 100,000 people. The 2005 peace agreement promised to direct proceeds from Sudan’s rich oil reserves to help rebuild the country’s destroyed health and education systems. Yet three years on, communities struggling to survive after the country’s 20 year civil war have seen little change. [24d]

20.23 Adding that

“The fighting may have stopped but the living conditions for children in Southern Sudan are still horrific. Thousands of children are still dying every year because they can’t get any treatment. For this country to succeed there has to be a functioning education system. Yet only 2% of children ever finish

primary school because of the lack of schools and trained teachers," said Patience Alidri, Save the Children's Southern Sudan Country Director. [24d]

Age of consent

- 20.24 Khartoum US Embassy noted in its February 2001 report that: Male applicants must be at least 18 years old, while females must be at least 16 years old. If an applicant does not meet the age requirements, then he/she must obtain the consent of the parents or the Khartoum Province Judge. [88a]

Customary marriages

- 20.25 The *Gurtong* reported in 2004 the following concerning customary marriages in Sudan.

" 'Customary Law is a manifestation of our customs, social norms, beliefs and practices. It embodies much of what we have fought for these past twenty years. It is self-evident that Customary Law will underpin our society, its legal institutions and laws in the future' - Chief Justice Ambrose Thiik. During the past twenty years of civil war, customary law has been the primary source of social order and stability within southern Sudan. It has been the cement that has held together communities and tribes and a bridge between the many and varied tribal groups that make up the population of the region. It is also, as described by Chief Justice Thiik, a symbolic affirmation of southern Sudanese culture, tradition and indigenous identity." [18r]

FORCED CONSCRIPTION

- 20.26 USSD report for 2006 stated that: "A large number of children suffered abuse, including abduction, enslavement, and forced conscription." [3a] (Section 5) The Coalition to Stop the Use of Child Soldiers (CSC) Annual Report for 2004 records that: "Both the government and government-backed militias recruited child soldiers in the north and the south. Recruitment took place predominantly in Western and Southern Upper Nile, Eastern Equatoria and the Nuba Mountains." [42a] The Spring 2005 issue of CSC's 'Child Soldiers' newsletter discussed the challenges that faced those involved in the disarmament, demobilisation and reintegration (DDR) of the thousands of children used in the north-south conflict. [42b] (p1, 12-13)
- 20.27 The Coalition to Stop the Use of Child Soldiers (CSC) Annual Report for 2004 also recorded that "Child soldiers were forcibly recruited by the paramilitary PDF and by government-backed militias. In March 2003 forced recruitment of children, mostly by militias allied to the government, was reported around Bentiu in Unity State." [42a]
- 20.28 Save the Children reported on 2 February 2007 that child soldiers were being actively recruited as frontline fodder in at least 13 countries including Sudan. "Ten years after international guidelines were established to stamp out the recruitment and use of child soldiers, under-age fighters are still actively being recruited the report stated. [24c] Government forces are also implicated in countries such as Southern Sudan, where the SPLA is re-recruiting children who have already been released from their own ranks." [24c]

- 20.29 The report added that children as young as eight are being recruited by the government army of Southern Sudan.

“Child soldiers are subjected to brutal intimidation, often forced to commit atrocities as military ‘training’, and then used on the frontline. Whether violently abducted, coerced into signing up or ‘volunteering’ because they have no safe alternative, they get no access to school or healthcare and are exposed to abuse and exploitation. Girls taken to become army ‘wives’ are often subjected to physical, sexual and emotional abuse. When released, ex-child soldiers are frequently rejected by society, refused access to school, and find it impossible to re-enter ‘normal’ life after so long immersed in violence. Girls as young as 12 have to deal with rape, and care for babies in isolation without any support from the community.” [24c]

- 20.30 A report by UNICEF, accessed via the Child-soldiers website on 30 April 2007, stated that the organisation’s Ambassador James Nesbitt, returned from southern Sudan that week where he reported that he “heard harrowing stories from children who were recruited into the armed forces during Sudan’s long-running civil war. While conflict still rages in Darfur, the South has been at relative peace since 2005; however the children still bear the scars.” [40e] Visiting the small town of Leer in Unity state the Ambassador said he heard stories from girls and boys who are amongst the “thousands used as soldiers during the war but also as porters, cooks messengers and for sexual purposes.” [40e]

- 20.31 The report noted however that, “Child recruitment has declined in southern Sudan and the government is leading on the demobilisation process. The region is desperately poor and infrastructure is limited.” [40e] Adding: “In order to ensure that children are not re-recruited they need opportunities to go to school and learn skills so that they can earn an income. There is a pressing need to increase reintegration programmes to enable children to successfully return to civilian life without fear of re-recruitment.” [40e]

WEST SUDAN (DARFUR)

- 20.32 The USSD report for 2006, stated that:

“UNICEF reported that educational access for school-age IDP children in Darfur improved considerably [during 2005] compared with the preceding year. UNICEF supported education for nomadic groups [and] also reported a significant increase in nomadic group education.” [3a] (Section 5)

FORCED CONSCRIPTION: WEST SUDAN (DARFUR)

- 20.33 The USSD Human Rights Report 2006 reported that: “Recruitment of child soldiers was a serious problem in the country”. The report made reference to another report issued by the UN in August 2006 on children in armed conflict in Sudan which cited the recruitment of child soldiers by the SAF, SPLA, and the White Army. “In Darfur, the UN report cited recruitment of child soldiers by the SLA (Minawi) and *janjaweed*. The UN Children’s Fund (UNICEF) worked to raise awareness of the law and dangers in using child soldiers. As a result of its awareness campaign, more than 500 children have been released in Darfur; more than 200 of the children were attending UNICEF schools.” [3a] (Section 1g)

- 20.34 Save the Children (UK)'s September 2004 Report stated that: "In North Darfur, there is evidence of children having been recruited by armed groups and forces, and in some areas children have been seen wearing uniforms and bearing arms." [24a] (p5) Whilst the Report accepted that there was little information concerning the patterns of recruitment it did state that there was evidence of conscription by all parties to the conflict, either to act as combatants or servants. [24a] (p5) The Coalition to Stop the use of Child Soldiers 2004 Report concurs: "In Darfur, children as young as 14 were observed serving with government armed forces and police. Children also fought with the government-supported *Janjaweed* militias, which reportedly abducted children as young as nine from their villages." [42a]
- 20.35 The USSD report of 2006 noted that: "Government-allied militias conscripted children and accepted children as soldiers (see sections 1.g. and 5). Child trafficking continued, and child prostitution was widespread." [3a] (Section 5) CSC's Report also stated that: "In Darfur, all armed groups, including the opposition groups JEM [Justice and Equality Movement] and the SLA/M [Sudan Liberation Army/Movement], were reported to use child soldiers." [42a] Save the Children (UK)'s September 2004 report stated that the organisation was concerned that children were being forced or 'volunteering' to join armed groups in Darfur, the latter in an effort to defend themselves or their families. [24a] (p5) The Report added that: "The main targets appear to be boys between the ages of 14-18. Ominously, this age group is less represented than other age groups at displaced sites." [24a] (p5) The BBC also reported in August 2006 on the continued use of forcibly conscripted child soldiers by armed groups in Darfur. [9q]

SOUTH SUDAN

- 20.36 The USSD report for 2006 stated that: "In the urban areas of the South, class size reached 120 students, with fewer than 27 percent of primary school age children in basic education and a basic education gender disparity of 3 boys for each girl." [3a] (Section 5) "Child labor existed in the south, particularly in the agricultural sectors. Child labor in such areas was exacerbated by lack of schools, extreme poverty, and the lack of an effective legal minimum age for workers." [3a] (Section 6d)
- 20.37 The report added: "Although mandated by the interim constitution to protect children from exploitation, the government did not effectively do so, and child labor was a serious problem. The legal minimum age for workers was 18 years, but the law was not enforced in practice. Young children worked in a number of factories, and severe poverty produced widespread child labor in the informal and rural farming economy." [3a] (Section 6d)
- 20.38 Save the Children reported on 9 January 2008, that, the mortality rate for children is still high in southern Sudan, further warning that three years after the signing of the Comprehensive Peace Agreement between north and south Sudan, thousands of children are still facing death.

"One in four children in Southern Sudan dies before the age of five, mainly from easily preventable diseases such as malaria and diarrhoea. Tens of thousands of families still have very limited access to basic healthcare, with just one trained doctor for every 100,000 people. The 2005 peace agreement

promised to direct proceeds from Sudan's rich oil reserves to help rebuild the country's destroyed health and education systems. Yet three years on, communities struggling to survive after the country's 20 year civil war have seen little change." [24d]

20.39 The report added that:

"The fighting may have stopped but the living conditions for children in Southern Sudan are still horrific. Thousands of children are still dying every year because they can't get any treatment. For this country to succeed there has to be a functioning education system. Yet only 2% of children ever finish primary school because of the lack of schools and trained teachers," said Patience Alidri, Save the Children's Southern Sudan Country Director. [24d]

FORCED CONSCRIPTION: SOUTH SUDAN

20.40 The USSD report for 2006 stated that: "Although rebel factions forcibly conscripted citizens, including children, the SPLM/A also continued to demobilize child soldiers. Unlike in the previous year, there were no reports that southern militias recruited child soldiers. Credible observers stated that southern tribal chiefs delivered children to the militias for recruitment goals in an effort not to give up their able-bodied fighters." [3a] (Section 5)

20.41 The CSC's Annual Report of 2004 records that: "Reports indicated that the SPLA [and its allied militias] frequently recruited and re-recruited child soldiers. According to children formerly associated with the SPLA, between 400 and 500 boys and girls were being trained in SPLA military camps around Rumbek in February 2004." [42a] The Spring 2005 issue of CSC's 'Child Soldiers' newsletter discussed the challenges that faced those involved in the disarmament, demobilisation and reintegration (DDR) of the thousands of children used in the north-south conflict. [42b] (p1, 12-13) The BBC also reported in August 2006 on the continued use of forcibly conscripted child soldiers by armed groups in Southern Sudan. [9q]

20.42 Europa World 2006 reported that:

"The terrorist rebel organization 'Lord's Resistance Army' (LRA) continues to abduct and forcibly conscript small numbers of children in Southern Sudan for use as cooks, porters, and combatants in its ongoing war against Uganda; some of these children are then trafficked across borders into Uganda or possibly the Democratic Republic of the Congo; children are utilized by rebel groups and the Sudanese Armed Forces and associated militias in the ongoing conflict in Darfur; during the decades of civil war, thousands of Dinka women and children were enslaved by members of Baggara tribes and subjected to various forms of forced labor without remuneration as well as physical and sexual abuse; with the cessation of the North-South conflict and the ongoing peace process, there were no known new abductions of Dinka by Baggara tribes during 2005; however, inter-tribal abductions of a different nature continue in Southern Sudan and warrant further investigation." [1b]

20.43 IRIN reported on 2 February 2007 that "Boys in Sudan's war-torn Darfur region are increasingly at risk of being recruited into armed groups, while

sexual violence against girls is unabated, despite growing official awareness, a top United Nations envoy said.” [10ei]

20.44 Following visits to Darfur and the South Sudanese capital of Juba and meetings with top Sudanese government representatives, the UN Special Representative to the Secretary-General on children and armed conflict, Radhika Coomaraswamy stated: “While Sudanese officials have made promises to reduce threats to children, little progress has been seen on the ground. There is recognition in Sudan at the official level of the problems of child recruitment and sexual violence, [Sudan] has agreed to frameworks and they have agreed to commitments. However, we are concerned that there’s not enough implementation and that the results are not showing on the ground.” [10ez]

20.45 The report also stated that children are being increasingly recruited by both rebel factions and the Sudanese army. “Independent monitors have pointed out to us through verified data that child recruitment is increasing in Darfur and that all parties to the conflict engage in child recruitment.” The report however noted that child recruitment in southern Sudan was decreasing, following the signing in 2005 of the Comprehensive Peace Agreement. “However, Coomaraswamy said. Programmes aimed at reintegrating former child soldiers into society had faced difficulties.” [10ei]

20.46 Furthermore:

“Thousands of children were recruited into the SPLA during the civil war and some former child soldiers are struggling to readjust to life outside the military. We found that reintegration programmes of child soldiers are not working as well as we would like, Coomaraswamy said. “What happens is children are demobilised, but they come back to the armed camps because they feel alienated in their communities.” [10ei]

See also Section 9.01: [Military Service](#)

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EDUCATION

21.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 19 February 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 13 (1) of the INC records that:

- “(a) The State shall promote education at all levels all over the Sudan and shall ensure free and compulsory education at the primary level and in illiteracy eradication programmes.
- (b) Every person or group of persons shall have the right to establish and maintain private schools and other educational institutions at all levels in accordance with the conditions and standards provided by law.” [94a] (p7)

21.02 Prior to the signing of the INC, the Encyclopaedia Britannica (EB) Online recorded that: “A modern educational system was established in The Sudan in the 1970s when the government reorganized a haphazard system of schools inherited from the British colonial government.” [62c] (p3) EB 2004 also reports:

“It [the national educational system] consists of a six-year curriculum for primary (or elementary) schools and a three-year curriculum for junior secondary schools, from which students can progress to any of three types of schools: a three-year higher secondary school to prepare students for higher education; a four-year commercial, agricultural, or other technical school; or a four-year teacher training school.” [62c (p3-4)]

21.03 USSD report for 2006, stated that:

“The government’s commitment to children’s rights and welfare was uneven. While education was legally compulsory through grade eight, UNICEF reported that only half of school-age children attended primary school. The law provides for free basic education, but students have been expelled from class for failing to pay school fees. On August 8 [2005], the government issued a decree prohibiting dismissal of students for non-payment of school fees. There were wide educational disparities among states and sometimes between genders, particularly in the eastern and western regions; for example, enrolment was 78 percent in Khartoum State and only 30 percent in the eastern part of the country. In the North boys and girls generally had equal access to education (enrolments of 50 and 47 percent, respectively), although girls were more affected by early marriage and the fact that many families with restricted income chose to send sons and not daughters to school. In the urban areas of the south, fewer than 27 percent of primary-school-age children attended school and there was a basic education gender disparity of 3 boys for each girl.” [3a] (Section 5)

21.04 The report further stated that: “UNICEF reported that educational access for school-age IDP children in Darfur improved considerably compared with the preceding year. UNICEF, supported education for nomadic groups, also reported a significant increase in nomadic group education.” [3a] (Section 5)

21.05 Encyclopaedia Britannica (EB) online further states that: “The primary language of instruction in the nation’s primary schools, in both the north and south, is Arabic.” (p4) It also said that: “English was formerly the medium of

instruction in the nation's universities and secondary schools but has now been largely replaced by Arabic." [62c] (p4) The USSD report of 2006 noted that: "Citizens in Arabic speaking areas who did not speak Arabic experienced discrimination in education, employment, and other areas." [3a] (Section 5) Furthermore the report noted: "While the law does not specifically prohibit discrimination against persons with disabilities, it does stipulate that 'the state shall guarantee to persons with special needs the enjoyment of all the rights and freedoms set out in the constitution, access to suitable education, employment and full participation in society.' ...The law requires equal educational opportunities for persons with disabilities." [3a] (Section 5)

See also Section 20.01: [Children](#)

- 21.06 SAFE, was established in 1985 as a non-profit [organisation] by concerned American and Sudanese business persons, academics, and government officials to help improve educational opportunities for Sudanese children and youth. The website, accessed 14 May 2007, reports that they are currently accomplishing their goal by collecting and delivering donated books to university, college, and public libraries throughout the Sudan, including SAFE's first delivery to institutions in Southern Sudan. [54b]
- 21.07 The report stated that in May 2006, the foundation sent its 32nd shipment to Sudan. This shipment was distinctive in three ways the report added:
- The largest yet – over 30,000 books
 - A collaborative effort with Books for Africa www.booksforafrica.org; BFA supplied the books and shared with SAFE in the cost of shipping then to Sudan
 - A substantial number of these books will go to colleges and universities in Southern Sudan. [54b]
- 21.08 UNICEF reported in its humanitarian action report 2007 that: "Despite efforts that have increased the number of children receiving basic education, hundreds of thousands remain out of school, while child-friendly learning spaces and qualified teachers are lacking." [40f]
- 21.09 ReliefWeb also reported in its humanitarian action report on Sudan on 28 August 2007 that: "According to UNICEF and partners, the gains made in 2006 towards increased school enrolment in Darfur run the risk of being reversed. This is due to a shortage of teachers, in turn largely due to erratic payment of salaries. In 2007, 8,975 teachers (4,902 in North Darfur, 1,200 in South Darfur, and 2,873 in West Darfur) need to be recruited 1,646 of them for schools in IDP camps (200 in North Darfur, 700 in South Darfur and 746 in West Darfur). For the upcoming 2007/2008 school year, UNICEF has confirmed that it will cover the training and provision of stipends for 2,296 untrained volunteer teachers for three months, at a cost of US\$ 70 per teacher per month, totalling US\$ 482,160. But for the rest of the school year (October to December) another US\$ 482,160 needs to be urgently mobilised. The Federal Ministry of Education has recently signed a technical agreement with UNICEF, which indicates that the Government will take over the payment of salaries for these volunteer teachers from 2008." [68k]
- 21.10 UNICEF reported on 5 November 2007 of optimism at the progress made by primary school children across southern Sudan during a recent tour by

UNICEF's Executive Director give a glimmer of hope in terms of educational progress in a major part of Sudan. [40b]

EDUCATION: SOUTH SUDAN

- 21.10 USSD report for 2006 stated that: "In the urban areas of the South, class size reached 120 students, with fewer than 27 percent of primary school age children in basic education and a basic education gender disparity of 3 boys for each girl." [3a] (Section 5) EB 2004 also reported that: "The southern partisans operate schools in the areas they control, but their resources are extremely limited." [62c] (p3)
- 21.11 IRIN reported on 3 April 2006 that: "The United Nations Children's Fund (UNICEF) is backing a major initiative to encourage more children in southern Sudan, a vast region emerging from decades of civil war, to go to school. The 'Go To School' campaign was launched on Saturday in Juba, the capital of southern Sudan. Its goal is to double the number of children attending primary school during the course of the school year, which began on Monday, UNICEF said in a statement." [10ar] There are four times more boys than girls in school, and only about 1 percent of girls complete primary education. About 8,600 teachers, the majority of whom are untrained volunteers, cover approximately 2,000 schools. Many of these 'schools' consist of little more than a blackboard propped under a tree. [10ar]
- 21.12 In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that, according to an Education Base-Line study (UNICEF/Secretariat of Education (SoE), Dec. 2003), "30% of school-aged children in Upper Nile are enrolled in primary education; 31% in Bahr el Gazal and 39% in Equatoria." [20a] (p1) UNHCR also stated that the SoE was currently attempting to update the data available and that the most recently received figures were for Ceuibet, which is a county close to Rumbek, where total enrolment was only 5 per cent. [20a] (p1)
- 21.13 "Nina Hjellegjerde, data and statistics Unit, SOE, Rumbek HQ stated that (south) Sudan has the highest gender gap in the world regarding primary education enrolment. Girls are only representing 20-30% (depending on the region) of the total number of children enrolled in primary education. [Nevertheless,] UNICEF has started [a] community-based girls' schools in order to attempt to combat the serious under-representation of girls in primary education." (UNHCR's comments to the APCI, 8 March 2006) [20a] (p1)
- 21.15 DfID's report on 9 January 2007 confirmed on the second anniversary of peace in South Sudan, that the organisation had established eight new projects in Southern Sudan. "... which will mean that over 13,000 children will be able to go to school for the first time, a further 65,000 will continue in education, over 580 teachers will be trained, and seven primary schools will be built. In the health sector, 19,000 mosquito nets will be distributed, and over a million people will be given access to primary health care while over 250,000 people will be given access to safe water, sanitation and bore holes." [8b]
- 21.16 Recording a statement made by Hilary Benn, International Development Secretary, DfID reported that: "There has been progress in South Sudan since the Comprehensive Peace Agreement was signed two years ago, but there is

still a great deal to do. Everyone, including people returning to their homes, has a right to [sic] access of basic services such as health care, clean water and education. The UK is committed to playing our full part in supporting South Sudan work to make this right a reality.” [8b]

- 21.17 ReliefWeb reported in its humanitarian action report on Sudan published 28 August 2007, that:

“In Southern Sudan, estimated Gross Enrolment (GE) in primary schools has reached 1.2 million children, including 400,000 who have enrolled in 2007. Since 01 January, the United Nations Children’s Fund (UNICEF) has provided 11,378 student kits, 13,718 teacher kits, and 9 million exercise books, to support the increased demand for primary education. A total of 150 programme trainers and tutors were trained for fast-track training of teachers, 1,300 teachers were trained, and 1,100 teachers also received English language training.” [68k]

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TRAFFICKING

- 22.01 The US State Department's Trafficking in Persons Report, June 2007 noted that:

"Sudan is a source country for men, women, and children trafficked internally for the purposes of forced labor and sexual exploitation. ... Sudanese women and girls are trafficked internally for domestic servitude. The terrorist rebel organization, Lord's Resistance Army (LRA), continues to harbor small numbers of Sudanese and Ugandan children in the southern part of the country for use as cooks, porters, and combatants; some of these children are also trafficked across borders into Uganda or the Democratic Republic of the Congo. Sudanese children are unlawfully conscripted, at times through abduction, and utilized by armed rebel groups including SLA, Janjaweed militia, the camel police, and Chadian opposition forces in Sudan's ongoing conflict in Darfur; the Sudanese Armed Forces and associated militias also continue to unlawfully conscript and exploit young children in this region." [30]

- 22.02 USSD's Report on Human Rights Practices 2006, 'Trafficking in Persons' noted that "Although the law prohibits slavery and forced labor, the law does not specifically address trafficking in persons, and there were reports that persons were trafficked from and within the country. There were some reports that the abduction of women and children continued in the south due to tribal clashes." [3a] (section 5)

- 22.03 And added that:

"There were credible reports that intertribal abductions of women and children continued in the south. Victims frequently became part of the new tribal family, with most women marrying into the new tribe; however, some victims were used for labor or sexual purposes. As intertribal fighting in the south decreased, the number of abductions also appeared to decline. The government acknowledged that abductions occurred and that abductees were sometimes forced into domestic servitude and sexual exploitation. CEAWC and its 22 joint tribal committees investigated abduction cases and sought to facilitate the safe return of victims. CEAWC did not pursue legal action against abductors. Credible sources noted that some of the CEAWC-facilitated reunions were forced repatriations of persons over age 18 against the wishes of the abductees." [3a] (section 5)

- 22.04 Furthermore:

"The national government's anti-trafficking law enforcement efforts were almost non-existent over the reporting period. The Sudanese Criminal Code neither specifically outlaws trafficking nor covers all of the worst forms of trafficking in persons, though Articles 162 through 164 of the Sudan Criminal Code outlaw abduction, luring, and forced labor. No trafficker has ever been prosecuted under these articles. ... The Government of National Unity (GNU) of Sudan does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so." [3a] (section 5)

- 22.05 The USSD report for 2006 recorded that, "Prostitution was illegal but widespread throughout the country, and that trafficking in women remained a problem." [3a] (Section 5)

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MEDICAL ISSUES

GENERAL

- 23.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 19 February 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 19 of the INC states that: "The State shall promote public health and guarantee equal access and free primary health care to all citizens." [94a] (p9)
- 23.02 The Institute for Security Studies Report on Sudan noted: "There are approximately 160 hospitals in Sudan, but they are poorly supplied and standards of hygiene are poor. Dysentery, giardia, hepatitis and other water-borne diseases are common, and malaria is becoming more frequent. Only 15% of the population is estimated to have access to essential medicines. What little primary health care there is, is provided by an NGO, Operation Lifeline Sudan." [43a] The ICRC Annual Report 2005 noted: "While hospitals in Darfur received substantial international support, access to medical care was still a problem in rural and opposition-controlled areas. In April, the ICRC established a mobile surgical field team (a surgeon, anaesthetist and two nurses) that could respond within hours to emergencies across Darfur. The team was based in Nyala (South Darfur) and treated civilians and combatants alike." [22b]
- 23.03 The Foreign and Commonwealth's (FCO) 6 November 2007 Country Profile stated that: "Malaria and many other diseases are common in Sudan and AIDS is believed to be a growing problem." [4a] A June 2005 WHO Summary Country Profile for HIV/AIDS Treatment states that: "In general, Sudan's health system suffers from a weak infrastructure in terms of human resources, health service coverage and funds. It is characterized by major disparities in the distribution of services and resources between and within states, between rural and urban areas and in states affected by conflict." [44a] (p2) A December 2005 WHO Country Profile on Sudan states that: "In the North, the infrastructure network and the workforce are quite developed in absolute numbers. However, up to a third of health facilities are reported not to be fully functional. The low sectoral performance is due to a combination of causes: limited utilization of health services (at aggregate level, 40-60%) also due to financial barriers, large regional and economic access inequalities; facilities and equipment deterioration resulting from lack of maintenance. Services and coverage are worst in the South where there is absence of infrastructure, poor transport, and low technical and managerial capacity at local level. Public health financing is low and skewed towards hospital services and urban areas; decentralization has not been supported by transfer of resources nor capacity." [44b] (p2)
- 23.04 The CIA World Factbook – Sudan, updated on 12 February 2008 noted that the average life expectancy at birth is of:
- the total population: 49.11 years
 - the male population: 48.24 years
 - the female population: 50.03 years (2007 est.). [2a] (p4)

- 23.05 The USSD's Report on Human Rights Practices 2006, records that: "There were significant inequalities in access to health services for children living in different areas of the country. UNICEF reported an under-5 mortality rate of 93 per 1,000, a low birth weight rate of 31 percent, and immunization rates of approximately 50 percent. In the South, infant mortality was 150 per thousand births, and approximately 21 percent of children under age 5 suffered severe malnutrition." [3a] (Section 5)
- 23.06 The FCO Country Profile, 2007 stated that the prolonged civil war has made it difficult to access healthcare and as such the health status of the population has suffered greatly. The report noted however, that immunisation rates for most childhood diseases such as diphtheria, polio, measles, pertussis and tetanus are more than 50 percent. Sudan's last polio case was reported in 2005. [10a]
- 23.07 The *Gurtong* reported on its website on 17 April 2007 that a recent measles outbreak in the middle of south Sudan had killed at least 14 and infected 470 people according to a report released to Reuters that day by ministry of health and World Health Organization (WHO) authorities. The report stated: "With measles, one case is a problem, said John Rumunu from the semi-autonomous government of south Sudan's ministry of health about the highly infectious disease that mostly affects children." Reporting further, *Gurtong* stated that following 21 years of conflict between the north and south of Sudan which ended with the peace deal that was signed on 9 Jan. 2005, a mass measles campaign was launched by the south's health ministry together with UNICEF and WHO. The campaign, which has vaccinated over 2 million six month to 15 year olds so far, aims to reach more than 85 per cent coverage which would provide 'herd immunity' for south Sudan's children. The health minister stated, "We hope this year is the last year of measles," [18m]
- 23.08 *The Gurtong* also reported on 25 March 2007, regarding a three days national immunization programme, aimed to keep Sudan polio-free. "The three day campaign sets out to reach nearly 5 million children across the country. The first round of Sudan's National Immunization Days against polio in 2007 gets underway on Monday 26 March, with a focus on ensuring that no eligible child is overlooked during the three day campaign." A Representative of UNICEF underlined the need to reach every child on the eve of the first day, stating "If we are to ensure that no new cases of polio emerge in Sudan, vaccination teams must be able to access every community, every household, and every child aged under-five. That means ensuring that adequate stocks of vaccine are available, that the necessary logistical systems are in place, that vaccinators are properly trained on how to locate and register children being vaccinated, and that we press home the message that polio immunization is a priority for every family in Sudan." [18o]
- 23.09 The report stated further that an estimate of 5 million children under the age of five will be targeted across Sudan during the National Immunization Days, including 500,000 in Southern Sudan. The campaign is being spearheaded by government health departments at national and local level, with vaccines, technical support and funding provided by UNICEF and WHO. Local NGOs will also be involved in implementing the campaign, which costs an estimated US\$3 million for every round. [18o]

- 23.10 The *Sudan Tribune* reported on 8 August, 2007 that 4.9 million children in the north have been vaccinated against polio, following reports of polio cases in neighbouring Chad, which has triggered fear of transmission across the border.^[12j] “The U.N. children’s agency (UNICEF) and the World Health Organisation (WHO) funded and trained some 40,000 personnel to vaccinate children under the age of five, said a senior UNICEF official. ‘What’s unique is it’s an additional campaign that we’ve put together with the ministry of health because of the reports of some cases in Chad,’ Cawardine told Reuters, adding it was a swift three-day campaign.” ^[12j] Adding that the flooding, which has affected about 500,000 people and killed 64, may have prevented the immunisation campaign from reaching up to 20 percent of the children targeted, but the campaign will return to those areas when the flooding subsides. ^[12j]
- 23.11 UNICEF reported on 6 August 2007 regarding a Polio immunization campaign, designed to protect almost five million children in northern Sudan.
- “An estimated 4.9 million children across northern Sudan are being targeted in a special round of polio immunization beginning on Monday 6 August. Led by the Ministry of Health and backed by UNICEF, WHO and other partners, the three-day campaign to protect children against the virus comes in response to reports of polio being discovered in neighbouring. UNICEF Representative Ted Chaiban noted that Sudan has not reported any cases of polio itself since 2005. ‘There has not been a single case of polio in Sudan since June 2005, and we have arrived, in the face of many challenges, to a point where polio could soon be stamped out in Sudan’, said a UNICEF Representative, Ted Chaiban. ‘But because polio respects no borders, we have to ensure that when cases are found close to home, we redouble our efforts to protect children’.” ^[40g]
- 23.12 Likewise UN reported on 22 October 2007 regarding the launch of nationwide polio immunization campaign after the virus was detected in the country which had previously been declared polio-free. The report stated that the drive is being carried out by the Sudanese Ministry of Health, the UN World Health Organization (WHO) and the UN Children’s Fund (UNICEF) from 23 to 25 October and again in November 2007. ^[6f]
- “According to WHO, the virus was confirmed in a 30-month-old boy from South Darfur with onset of paralysis reported on 10 September. The virus has been genetically linked to the virus circulating in neighbouring Chad, where six cases were confirmed this year, with the most recent case indicating onset of paralysis on 31 August. Prior to the confirmed polio case, Sudan had been certified polio-free, with no cases reported since August 2005. ^[6f]
- 23.13 The *Sudan Tribune* reported an article by the WHO on 22 January 2007 noting that a meningitis outbreak sweeping through southern Sudan has killed 17 people and infected 211. The WHO however added that it had enough vaccines to contain the outbreak. “On 21 January [2007], the governor of south Sudan’s central Warap stated that at least 1,000 people had died in one week in an outbreak of meningitis and another unknown disease.” ^[12q] However, the following day [22 January 2007], this was corrected by Abdullahi Ahmed, head of WHO in south Sudan, who confirmed: As of January 17, the number of cases was 211 of which only 17 died and that includes Central Equatoria states and Warap states.” The report noted further that South

Sudan, after suffering decades of civil war, has little or no infra-structure and is particularly at risk to outbreaks of disease. The report added that meningitis outbreaks affect Sudan during the dry season, which runs from East to West Africa, and accounts for more than half the cases of the disease worldwide each year. [12q]

- 23.14 The following statistics taken from the above article reported by *Sudan Tribune* on 22 January 2007, noted there were:

“7,690 Meningitis cases reported in the North, 1,405 in South Sudan
Two million children vaccinated against measles in South Sudan and
1070 Meningitis Cases reported in Sudan.” [12q]

- 23.15 *The Gurtong* reported on 3 April 2007 that: “Ten brand new ambulances standing in the sun next to the Government of Southern Sudan’s Ministry of Health will be joined by another 10 before being sent off to state capitals in the next weeks said health minister Theophilus Ochang in an interview with Gurtong on the 2 April.” [18q] He stated further, “Absolutely this is the first time for most states to have an ambulance, for a long time the idea of an ambulance for us has just been a car with a bed, but these are fitted with life saving equipment including respirators and oxygen masks and equipment to restart a heart.” [18q]

- 23.16 The same report also stated that the GOSS Ministry of Health, Theophilus Ochang is about to embark on dispersing US \$20 million worth of drugs to the Southern states, following last year’s distribution of USD 4 million in drugs which the Health Minister described as ‘a drop in the ocean’. “The South still suffers from having especially porous borders he said and added that another truck of illegally imported drugs had been seized on the weekend. [18q]

- 23.17 The report added that: “The Health Minister also said that the ministry’s first of ten planned county hospitals is about to be completed within the next two weeks in Kapoeta, Eastern Equatoria State. The hospital was constructed though a Norwegian company which signed a contract with the health ministry and the GOSS Ministry of Finance and Economic Planning in September [2006] for 160 million Euros.” [18q] The report further added that: “The Norwegian company is to supply us with ten county hospitals of around 100 to 150 beds, backed up by five mobile clinics each. This is important, our biggest problem is our lack of infrastructure which limits our outreach, the Minister stated further.” [18q]

- 23.18 Physicians for Human Rights (PHR) reported on 7 March 2007 that the organisation applauds the introduction of the African Health Capacity Investment Act of 2007. The bipartisan plan introduced by Senator Richard Durbin is expected to supply \$600 million over three years to stem the flood of doctors and nurses out of African countries in the midst of the AIDS pandemic and other huge health issues. “The bill’s introduction is an important milestone in a nearly three-year effort spearheaded by Physicians for Human Rights and Health GAP to move the world to act on this problem.” [34d] Adding that the United States has recruited thousands of doctors and nurses out of African countries. “... this bill would enable the next generation to treat their patients instead of our patients, said PHR Senior Global Health Policy Analyst and Global Health Workforce Alliance board member Eric A. Friedman, JD.” [34d]

23.19 Furthermore:

“The World Health Organization estimates that sub-Saharan Africa is suffering a shortage of at least 800,000 doctors, nurses, and midwives, and an overall shortfall of nearly 1.5 million health workers of all kinds. Many receive salaries so low that they cannot afford to pay for rent even in their home country, let alone support a family. Some are forced to live in their own examination rooms.” [34d]

23.20 BBC News reported on 1 March 2007 of a “New malaria drug that is targeted at children. ‘The disease affects 3,000 children under five in Africa each day. A new, low-cost anti-malarial drug has been launched, aimed especially at the thousands of children in sub-Saharan Africa affected by the disease. The medicine, launched in Paris, is a combination of two drugs which have proved successful in the past. “Malaria kills up to three million in the world each year, mostly in Africa. More than a million children in Africa die from malaria each year, while the disease affects some 3,000 children under five in Africa each day’.” [9bc]

23.21 The report further stated that:

“Europe’s largest multi-national pharmaceutical company, Sanofi-Aventis, has joined forces with a non-profit organisation, Drugs for Neglected Diseases Initiative (DNDI), to launch the drug ASAQ. The drug will be sold at a very low price and will not be patented, which means other companies could also produce it cheaply. The new medicine is a ‘fixed-dose combination’ of two drugs artesunate and amodiaquine that have proven effective in the past in fighting malaria.” [9bc] Additionally, “The previous combinations of these drugs have meant patients taking up to six tablets a day for a period of five days, but the course of treatment for the new drug consists of just two pills a day for three days for adults and importantly, one pill a day for three days for children.” [9bc]

23.22 The IMC study also found that women’s health issues had suffered from general neglect, with high pregnancy rates, minimal family planning and prenatal services and high rates of childbirth with no skilled attendants. Yet, women head between 65 and 84 percent of all households among those internally displaced by the conflict in Darfur. [10fe]

23.23 US Agency for International Development (USAID) reported in its May monthly update that a new Malaria office has been officially opened in Juba by the Southern Sudan Minister of Health: “Malaria Office Opens On April 25, Dr. Theophilus Ochang Lotti, Government of Southern Sudan Minister of Health, officially opened the new Juba office of the National Malaria Control Program (NMCP), which coordinates activities government and donor efforts to control malaria in Southern Sudan. The new building, which was constructed and furnished with support from USAID, finally gives the NMCP the work and conference space it needs to function effectively.” [3i]

23.24 Reuters reported on 31 July 2007 that malnutrition rates for young children have risen above emergency levels in West Darfur’s capital el-Geneina and the surrounding camps. “The emergency threshold for Global Acute Malnutrition (GAM) is 15 percent but the Concern survey in the el-Geneina area of western Sudan found the rate among children under 5-years old to be

more than two percentage points above that.” [70a] Adding that Country Director Janu Rao raised concerns and warned that immediate action was needed to prevent a worsening of the Severe Acute Malnutrition (SAM). “ ‘The results reveal an increase in moderate malnutrition amongst the under-5 population with a GAM of 17.4 percent and SAM of 1.4 percent’, the Director said. In 2006, 12.3 percent of children under 5 were moderately malnourished. This result is alarming as this survey comes at the start of the traditional ‘hunger gap’, with harvests not due until October/November [2007].” [70a]

23.25 The report continued:

“About 94,000 Darfuris live in camps surrounding el-Geneina town. They fled the rape, pillage and murder that began when Sudan’s government countered a rebel uprising in early 2003. While 2.5 million people have been driven from their homes to miserable camps, the world’s largest aid operation helps some 4.2 million overall, including those who remained in remote villages but are cut off from normal life and their livelihoods.” [70a]

23.26 The *Sudan Tribune* in an article dated 14 August 2007, reported a World Health Organisation (WHO) alert of a cholera outbreak in eastern Sudan. The disease has spread through flood waters, killing 49 people with others affected. [12e]. Adding that: “Last year [2006] a cholera outbreak throughout Sudan killed 700 people and affected 25,000. It was the first time in many years the water-borne disease had been reported in Africa’s largest country.” [12e]. Furthermore: “All the recent cases had been reported in the eastern Gedaref state and Kassala town, with the first reported on April 19 [2007].” [12e].

23.27 UNICEF reported in its humanitarian action report 2007 that:

“In Southern Sudan, UNICEF will immunize at least 3.2 million young children against measles and 2 million people against meningitis in case of outbreak; provide nutritional support to an estimated 300,000 children and 25,000 pregnant or lactating mothers, persons living with HIV/AIDS and other vulnerable people; aim to reduce global acute malnutrition rates to less than 15 per cent; ensure that up to 10,000 people affected by rapid onset emergencies receive medical supplies within 72 hours; and reach at least 600,000 young people with information and skills to reduce their risk of acquiring HIV/AIDS. In North Sudan, including Darfur, UNICEF will improve the quality of antenatal care and access to and attendance at referral hospitals for emergency obstetric care for 110,000 pregnant women and 98,000 surviving infants in Darfur state and increase husbands’/partners’ participation in safe motherhood/reproductive health services; ensure access to primary health care for 3.7 million conflict-affected in Darfur; protect under-five children and pregnant women against vaccine-preventable diseases; administer two doses of polio vaccine to 5.8 million under-five children; and reach 2 million people with health-related disease outbreak activities.” [40f]

23.28 In its humanitarian action report 2007, UNICEF reported that:

“Southern Sudan is host to rare tropical diseases, while malaria is endemic and measles, yellow fever, meningitis and cholera continue to take lives. Large areas are food insecure, acute malnutrition among under-five children is unacceptably high and micronutrient deficiencies remain problematic. Only 40

per cent of the people have access to safe drinking water while most do not have access to sanitary means of excreta disposal. The prevalence of diarrhoea is 43 per cent in children aged 6-59 months and guinea worm is endemic in some 3,400 villages.” [40f]

- 23.29 The WHO published the following report based on projects and activities of the UN work plan for Sudan for 2006.

“Sudan has the largest population of internally displaced people in the world; between 5.3 to 6.7 million, mainly in the South, around Khartoum, in Darfur and in the East of the country. Its epidemiological profile is marked by a heavy burden of endemic diseases, including a growing threat from HIV/AIDS, and high risk of epidemics and other natural disasters - the latest being the drought looming in Darfur and Kordofan and the looming risk of poor harvest in parts of Bahr al-Ghazal and Upper Nile. Life expectancy at birth is 58 years, and the disability-adjusted life expectancy is around 43 years.” [44j]

- 23.30 The report added:

“Reproductive health: Maternal mortality per 100,000 childbirths is an average of 504 in the northern part of the country and 1,700 in the South. Reproductive health in the north faces many constraints, only 12% of deliveries occur in a health facility, and only 57% of all deliveries are attended by trained health personnel. In the transitional areas less than 40% of women receive any antenatal care and fewer than 5% of births take place in a health facility.” Furthermore: “Nutrition: In the north of the country, the chronic malnutrition in children under five is estimated at 43% (2000) and the moderate acute malnutrition at 16% but this deteriorates further in places of high insecurity, such as in the southern states and reaching over 20% in some areas of Bahr el Ghazal and Upper Nile where humanitarian access is a problem. Micronutrient deficiencies including iodine and vitamin A are common.” [44j]

- 23.31 The WHO reported in its quarterly newsletter for 2007 that:

“Forty (40) participants from the Government of Sudan Ministry of Health, Government of South Sudan Ministry of Health and WHO sub offices in Sudan attended the National Training Workshop on Influenza Surveillance and Pandemic Preparedness on 7-9 May 2007. Sudan’s Minister of Health Dr Tabita Botros Shokai and WHO Representative Dr Mohamed Abdurrah opened the training at the Petroleum Training Centre in Khartoum. In the context of the Federal Ministry of Health’s (FMOH) finalizing the preparedness plan for avian influenza including pandemic influenza, the training course was held to strengthen the public health capacity to rapidly detect, assess, respond to and contain public health risks resulting from avian influenza as well as pandemic influenza in Sudan.” [44i]

- 23.32 IRIN news reported on 5 February 2008 of a staggering increase in whooping cough cases reported in West Darfur but uncertainty in the region has made it difficult for medical staff to reach those affected. The report added that many those affected were over five, including adults, suggesting that recent immunisation had protected some of the younger children. Although the general population was at greater risk because they have had little access to routine immunisation. [10f]

“A dramatic rise in whooping cough cases has been reported near El Geneina, capital of the Sudanese state of West Darfur, but insecurity has made it difficult for medical personnel to reach the affected populations, according to an international NGO. Two cases of the disease (also known as pertussis) were reported in Kondobe, a remote village 20km north of El Geneina, a fortnight ago, according to the NGO, Medair. But by last week, the number had risen to 147 while another 11 cases were reported in Bir Dagaig village, 10km further north. ‘Whooping cough is a particularly dangerous disease’, David Sauter, Medair’s operations manager, said in a statement. ‘It is an important cause of infant death around the world’.” [10f]

HIV/AIDS – ANTI-RETROVIRAL TREATMENT

- 23.33 The Joint United Nations Programme on HIV/AIDS’ (UNAIDS) May 2006 Report on the global AIDS epidemic states that: “Sudan is by far the worst-affected country in the region [North Africa and the Middle East]. Its overall HIV prevalence is nearly 2.3% (range: 0.7 – 7.2%); the epidemic is most severe in the southern part of the country. Heterosexual intercourse is the principal mode of transmission. The virus is spreading in the general population, infecting women more rapidly than men.” [46a] (p34)
- 23.34 Information provided by the Foreign and Commonwealth Office (FCO) in April 2004 notes that: “No ART [antiretroviral therapy] is available in Sudan through the state medical scheme.” [4c]
- 23.35 Further information on cost and availability was supplied by the FCO in July 2004. [4d] The FCO advised that a: “Dr Hamdoun [Elbushra] [an importer of ART drugs in Khartoum] has no problem importing the [ART] drugs and supply more than matches demand. He maintains a residual stock at all times.” [4d] The six treatment regimes Dr Hamdoun supplied to his customers, in descending order of preference, were:

	Name of drug	Strength of drug (mg)	No of tablets/strip	Wholesale price of strip (Sudanese Dinars)	No of tablets/day
1	Zidovir	100	10	1,700	6
2	Lamivir	150	10	1,000	2
3	Nevimune	200	10	1,800	2
4	Douvir	Comb. 1+2	10	2,500	2
5	Indival	400	30	4,750	6
6	Tri-Immunal	N/K	N/K	13,900 for 1 month	N/K

- 23.36 The FCO information of July 2004 stated that these drugs were available from three different pharmacies in Khartoum and one in Omdurman: “However if the treatment is obtained at the pharmacy the retail price is 20% more than the wholesale price.” [4d] A June 2005 Report by WHO noted that: “The current cost of a first-line treatment regimen is US\$ 516 per person per year, using zidovudine + lamivudine + nevirapine. Recent discussions with key suppliers have indicated there may be potential for reducing the prices of antiretroviral drugs as demand increases with treatment scale-up.” [44a] (p1)

- 23.37 In its humanitarian action report 2007, UNICEF reported that whilst blanket HIV/AIDS prevalence is estimated at 2.6 per cent, rates of over 20 per cent have been recorded. [40f]

MENTAL HEALTH

- 23.38 The World Health Organisation (WHO) Mental Health Atlas: Country Profile on Sudan 2005 reported that most major initiatives of the mental health care system in Sudan were formulated in the mid- to late-1990s. [44d] (**Mental Health Resources**) It recorded that there were few psychiatric beds or professionals in relation to the population, with only 0.2 psychiatric beds per 10,000 population, 0.09 psychiatrists and 0.17 psychologists per 100,000 population in 2005. [44d] (**Psychiatric Beds and Professionals**) It also states that: "Many mental health professionals including most psychiatrists have left for other countries." [44d] (**Psychiatric Beds and Professionals**) And that: "Sudan has the experience of using traditional healers for provision of mental health services. ... Community care is absent due to the lack of proper transportation, lack of social workers and poor health education." [44d] (**Mental Health Facilities**)
- 23.39 The WHO Country Profile 2005 also records that: "Since mental health is not integrated in primary care level, most of the [therapeutic] drugs are not available at primary care level." [44b] (**Therapeutic Drugs**) WHO's Profile claims that: "Special attention has been given to migrants, [the] elderly, refugees, [the] displaced and homeless and children." [44b] (**Non-Governmental Organizations**) However, in comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR states that: "Contrary to the cited WHO report, there are **no** special programmes in Sudan for the mental health of refugees." [20a]
- 23.40 IRIN reported on 15 December 2006 that a significant number of displaced women in South Darfur, western Sudan, suffer from depression and experience suicidal thoughts because of largely unaddressed mental-health problems, according to a study by the International Medical Corps (IMC). [10fe] The IMC country director in Darfur, told IRIN that "... the study was conducted in the field two years ago, but the situation had since deteriorated further. We are looking for funds to update [the study] because the situation is now worse than it was at that time." [10fe]
- 23.41 The study of 1,283 women found that one-third met the criteria for major depressive disorder and double that number reported symptoms of depression. "One in every 20 respondents reported suicidal thoughts and two percent said they had attempted suicide. Both statistics represent rates much higher than global norms, the study noted. Humanitarian aid has met some of their basic needs [but] women's health and mental health remain largely unaddressed, the IMC said. While suicide-related figures were actually lower than in other conflict-affected populations, they are still alarmingly high compared to general rates globally, and indicate a serious shortage of access to mental-illness treatment in South Darfur." [10fe]

MEDICAL ISSUES: SOUTH SUDAN

- 23.42 A British and American Friends of Southern Sudan (BAFOSS) conference Report from July 2005 found that: "The health status in Southern Sudan is far worse, than other regions in Sudan. The health indicators, high prevalence of

endemic and epidemic diseases as well as the new challenges that will be created by the Internally Displaced Persons (IDP) and the returning refugees will intensify the magnitude of the problem.” [45a] (p2-3)

- 23.43 The BAFOSS conference went on to discuss the health system and health service delivery, infections and endemic diseases, health expenditure, human resources and disparity of health care within south Sudan. [45a] (p4-5) WHO’s April 2005 Country Profile on Sudan records that: “In the South, overall coverage is estimated at only 25% of the population. Infrastructure is inadequate, geographically concentrated and in poor conditions. Most health services are supported by international NGOs under humanitarian programmes.” [44b] (p2) The USSD’S Human Rights Report of 2006 stated that: “There were significant inequalities in access to health services for children living in different areas of the country. UNICEF reported an under-5 mortality rate of 93 per 1,000, a low birth weight rate of 31 percent, and immunization rates of approximately 50 percent. In the South, infant mortality was 150 per thousand births, and approximately 21 percent of children under age 5 suffered severe malnutrition.” [3a] (Section 5)
- 23.44 The ICRC 2004 Annual Report noted that: “The ICRC supported 16 primary-health-care facilities in the south, which served some 235,000 people in five regions (Juba, Raja and Wau in then government-controlled areas and Chelkou and Yirol in opposition-controlled areas). Most of the facilities offered curative, antenatal and mother-and-child care, vaccinations and health education.” [22a] (p104) In January 2006, WHO released a ‘Health Update’ for south Sudan on issues such as post-conflict rehabilitation, health infrastructure, and disease outbreaks and risks. [44e]
- 23.45 WHO reported the following on 15 February 2007 “The Ministry of Health reported suspected cases of meningococcal disease and noted that from 1 January to 10 February 2007, there were 1,129 suspected cases of meningococcal disease including 96 deaths (case-fatality rate, 8.5%) in 8 out of 10 states of Southern Sudan. Within the period of 4 to 11 February [2007], a total of 79 suspected cases including 8 deaths were reported.” [44f] Adding that, “Delayed and irregular reporting as well as incomplete disaggregated population data were leading to difficulties in determining whether districts in these areas had reached the epidemic threshold.” [44f]
- 23.46 The same report provided an update on the Meningococcal disease:
- “From 1 January to 11 March 2007, the Ministry of Health of the Government of Southern Sudan (MoH) reported 6,946 suspected cases of meningococcal disease including 430 deaths (case-fatality rate, 6.19%) in 9 out of 10 states of Southern Sudan. Due to delayed and irregular reporting these, figures should be considered provisional. Currently the most affected counties are Aweil West, Juba, Mundri East, Rumbek, Tonj South, Wulu and Yirol. The reported added that within the period from 4 to 11 March, a total of 1,541 suspected cases including 81 deaths were reported. The Ministry of Health of the Government of Southern Sudan, WHO and its partners have carried out a mass vaccination campaign in 4 counties; Aweil town (MoH), Kajo-Keiji (Médecins sans Frontières (MSF) – Switzerland), Tonj-East (MSF-Switzerland) and Yambio (International Medical Corp). Mass vaccination campaigns are ongoing in Aweil West (MSF-France) and scheduled to start in Bor, Juba, Nimule, and Rumbek in mid-March.” [44g]

- 23.47 IRIN News reported on 9 March that health workers in Malakal, capital of Upper Nile State in southern Sudan, face great odds in trying to counter the ignorance and stigma that prevents people benefiting from available HIV/AIDS services. "Despite the presence of a voluntary counselling and testing (VCT) site in the city, little is known about HIV. Regina John, 18, who works in her mother's food shop, did not know the government-run VCT centre existed, even though it was just 100 metres away from her doorway'. 'I don't know where people are being tested for HIV/AIDS', she said. 'I have heard about AIDS on the radio, and from people talking about it, but I do not know how it is contracted or where it originated'." [10fd]
- 23.48 The report stated that:
- "A survey by the Sudanese National AIDS Control Programme and United Nations agencies in 2005 found that less than 10 percent of Sudan's young people knew how to prevent HIV or what a condom was. Dr Onuar Obathur, director of preventive medicines in Malakal, told IRIN that few of the town's people volunteered for HIV testing. The stigma is very high about this disease. People are refusing to come for testing. They think that if they are found HIV-positive, the information will be circulated all over and it will be difficult for them to live in the community." [10fd]
- 23.49 IRIN further reported that Sudan has a relatively low HIV prevalence of 1.6 percent, according to a 2003 UNAIDS survey. However, "it is thought to be higher in the southern region, and there are fears that increased population mobility could see it spread more rapidly since decades of civil war ended in 2005. So far, we have found 22 HIV-positive cases. Out of these, 11 are eligible for drugs, but only one person is benefiting from these ARVs [antiretrovirals]; the rest have disappeared and we have no means to trace them," said Obathur. [10fd]
- 23.50 On 30 March 2007, IRIN News reported again regarding HIV/AIDS awareness "Malakal in Upper Nile state of southern Sudan is almost 'off the map' in terms of the community's access to information and treatment for HIV/AIDS." [10ey]
- 23.51 ReliefWeb reported on 10 June 2007 that the UNFPA Office in southern Sudan had implemented fistula preparation in southern Sudan. UNFPA had begun implementing treatment programmes training sessions and providing essential drugs and equipment. [68h] "Currently, the Ministry of Health, in conjunction with UNFPA, is conducting a one-month training session on Emergency Obstetric Care (EmOC) for health workers from the Upper Nile, Northern Bahr El Gazal, Lakes and Jongolei States. A team of experts from UNFPA Headquarters in New York will be visiting Juba on 11-12 June as part of the Global Campaign to End Fistula. The team will meet with Ministry of Health officials and health care workers and will discuss fistula prevention, maternal and reproductive health policy and strategy development towards reducing fistula and other preventable reproductive health related diseases in Southern Sudan in general." [68h]
- 23.52 Doctors Without Borders reported on 28 January 2008 that despite the peace agreement between north and south, the people in the region of south Sudan are still struggling for survival "Despite the signing of a peace agreement between North and South Sudan on January 9, 2005, which ended decades of

civil war, medical needs in southern Sudan remain overwhelming. Outbreaks of disease and violence continue, while many people still do not have access to basic health care, resulting in preventable deaths.” [93a]

HIV/AIDS – ANTI-RETROVIRAL TREATMENT (SOUTH SUDAN)

- 23.53 UNAIDS’ May 2006 Report on the global AIDS epidemic stated that the infection level was at its most severe in the southern part of the country and records that: “Among pregnant women in the south, HIV prevalence is reported to be six-to-eight times higher than around Khartoum in the North.” [46a] (p34) A February 2004 IRIN PlusNews article noted that: “Southern Sudan was thought to have a higher prevalence than the north as a result of conflict, frequent movement across borders, severe economic disparity and poverty, said Hind [Hassan, the Sudan focal point with UNAIDS].” [10ay]
- 23.54 A February 2004 IRIN PlusNews report states that: “Sudan’s first free voluntary counselling and testing (VCT) centre for HIV/AIDS is being established in Juba, a southern garrison town.” [10ay] Furthermore in comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that: “VCT [voluntary counselling and testing] centers are now established in several areas under SPLM control. Rumbek, Billing, Maluakon, Yei, Yambio to name a few.” [20a] (p1) However, on 22 August 2006 IRIN reported that: “There are no HIV testing and counselling centres in Bentiu, the main town in southern Sudan’s oil-rich Unity State.” [10az]
- 23.55 IRIN News reported on 14 August 2007 that thousands of lives are being threatened because of the unavailability of life-prolonging antiretroviral (ARV) drugs in southern Sudan. This is forcing many patients to travel to neighbouring Uganda in search of the medication, the report stated. [10q]
 “‘There are no ARVs here, so once a month we have to travel to Arua [a town in northwestern Uganda] to get drugs’, said Joel Baba, who lives in the southern Sudanese town of Yei in Central Equatoria State. ‘This trip is so expensive; we have to pay border charges, and for accommodation, food and transport not many people can afford it.’” [10q]
- 23.56 The report added:
- “Although peace has returned after 21 years of conflict between the northern and southern parts of Sudan, many areas in the south that were cut off from basic health services during the war still have no access to HIV medication. Arua is more than 100km from Yei on badly maintained roads that have been damaged by bombs. ‘In the beginning [of treatment] the Ugandan clinics don’t let you take a whole month’s supply you have to keep going for adherence counselling or stay in Uganda for some time, which makes it even more expensive’, Baba said. ‘For patients who are already sick, it is impossible to travel’.” [10q]

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HUMANITARIAN ISSUES

PEACE AND CONFLICT IN SUDAN

East Sudan

- 24.01 The ICG's extensive January 2006 Report 'Sudan: Saving Peace in the East', which examined the history and roots of the region's troubles, noted that the Beja Congress was first formed as a non-violent political organisation in 1958:

"In 1995, however, in response to repression, imposed Islamic fundamentalism and land expropriation, the Beja Congress took up arms to force the government to address the grievances or be overthrown. That same year it joined the National Democratic Alliance (NDA), the umbrella organisation of opposition political parties and groups, and began military activities in the East in coordination with the Sudan People's Liberation Movement/Army (SPLM/SPLA, henceforth SPLM), the major, southern Sudan-based insurgency. At times the fighting was heavy, but the government managed to contain most of it to the area bordering Eritrea." [14b] (p1)

- 24.02 The armed movement, the Free Lions, was formed in November 1999: "Rashaida political grievances, like the Beja's, revolve around the depletion of natural resources and destruction of nomadic migration routes by the expansion of mechanised farming and claims of heavy taxation without government investment in their areas." (ICG, 'Sudan: Saving Peace in the East', 5 January 2006) [14b] (p17)

- 24.03 ICG's January 2006 Report also noted that the Beja claimed to have been involved in training Fur militias during the 1990s and to have brought troops from Darfur to the eastern front in mid-2003. [14b] (p6) The Beja Congress established a formal alliance with the Darfur rebels in January 2004. [14b] (p8) A June 2005 report by the UN's Integrated Regional Information Networks also recorded the purportedly active involvement of Justice and Equality Movement (JEM) forces in the conflict in east Sudan. [10do]

- 24.04 ICG's April 2005 Report, 'A New Sudan Action Plan', on the situation in south, west and east Sudan, warned of the potential eruption of a full-blown civil war in the east of Sudan. "At the end of March 2005, the new political and military insurgent entity resulting from the merger of the Beja Congress and Free Lions – the Eastern Front – met to select a leadership council, generate a common political vision and mobilise its base. The meeting was attended also by the leaders of the SLA and JEM and others from outside the region, as well as Eritrea's foreign and defence ministers." [14c] (p4)

- 24.05 "So far, however, the merger has had little practical effect. The Beja certainly remain the predominant element of the Eastern Front's military wing. There appears to have been no true integration of Beja and Rashaida forces, and very few Rashaida fighters are in opposition-controlled areas. Some Beja Congress officials inside Sudan even claim the Eastern Front does not exist and stress strengthening the Congress first. It is also questionable how much support the Eastern Front has from other tribes. Beja Congress sources repeatedly say dialogue is underway to mobilise the Lahawayn and particularly the Shukriyya in Gedaref State, two of Sudan's poorest pastoralist

tribes. All indications, however, are that even this is still in its infancy.” (ICG, ‘Sudan: Saving Peace in the East’, 5 January 2006) [14b] (p18-19)

24.06 ICG noted, in April 2005, that:

“The Khartoum government, which watches the Eastern Front with particular concern because of its close alliance with the Eritreans, has assigned the eastern portfolio to several heavyweight ministers, including Dr. Majhzoub al-Khalifa and Dr. Nafie Ali Nafie. Rather than engaging with the new group, however, it is using familiar tactics to avoid serious negotiations – launching a parallel forum with a pro-government Beja group, the Beja Congress for Reform and Development, and working to hold a conference on eastern Sudan in Kassala.” [14c] (p4)

24.07 The IRC, accessed on 14 May 2007, reported that Sudan, Africa’s largest country, has been divided by civil war almost constantly since it gained independence in 1956. “Despite the comprehensive peace accord signed in 2005, violence continues to plague Darfur and simmers in the east. The brutal tactics of warlords on both sides have left an estimated 300,000 people dead and prompted more than 2.4 million people to flee their homes.” [33e]

Conflict and insecurity

24.08 In January 2006 ICG reported that:

“The NCP [National Congress Party] is also resorting to potentially more violent tactics. There are persistent reports of efforts to encourage tribal leaders to recruit militiamen in exchange for money and weapons, in order to create a rural force that can monitor the Eastern Front’s activities and serve as a first line of resistance. Most of these attempts to form *Janjaweed*-like groups have not yet succeeded, probably because despite their communal divisions, the eastern tribes have an acute sense of their social and economic inter-dependence as part of the Beja nation. Such tribal militias as exist are weak, with members showing up once a month only to collect pay. The policy, and the rumours it engenders, have nevertheless contributed to the spread of weapons and fear among civilian populations.” [14b] (p13)

24.09 “The government has also been supporting the army of Sheikh Suliman Ali Betay, which is larger (some estimate 1,000 to 2,000 armed men on camels) and more formidable than the militias. The Hameshkoreb area belongs to his tribe, the Demelab, and he would like his force to replace the SPLM and the Eastern Front in the area. But Sheikh Suliman also refuses to fight other Beja and recognises that an effort to impose a military solution would only hurt the civilian population.” [14b] (p13)

24.10 The same Report also noted that: “Whatever political game the NCP is playing in the East, militarisation of the region persists. Security is tight in the major cities. Military intelligence reportedly remains influential in government decision-making and closely monitors movements throughout the territory, keeping a wary eye in particular on anything related to Eritrea.” [14b] (p13)

24.11 “The greatest danger is the potential for an armed confrontation between the government and Eastern Front over control of Hameshkoreb and the opposition areas after the SPLM withdraws its troops. If not discussed and

settled in formal negotiations soon, this could be the flashpoint that produces all-out war. However, the government still underestimates the level of discontent and overestimates its political control. 'We have complete control over the religious and tribal leaders in eastern Sudan. We are not concerned about this so-called Eastern Front', an NCP official claimed confidently. This is a dangerous misreading not unlike that which contributed to the government's failure to contain the Sudan Liberation Army (SLA) in Darfur." [14b] (p11)

- 24.13 "Under the southern deal, the SPLM were supposed to have redeployed from the east to the south within a year, but they said this week they were unable to meet that deadline because of logistical reasons. [U.N. envoy Jan] Pronk said slow withdrawal was a major problem to the peace deal. On Friday he said: 'This is creating a void with a potential for new armed conflict.' (*Sudan Tribune*, 14 January 2006) [12b]
- 24.14 The article continued: "The Sudanese army is supposed to occupy SPLM positions once they have withdrawn. But eastern rebels, also in the same areas, say the government will have to fight them first." (*Sudan Tribune*, 14 January 2006) [12b]

The Peace Process

- 24.15 ICG's April 2005 Report stated: "This is the next powder keg that could erupt. The Khartoum government should be pushed to negotiate with the serious new Eastern Front movement rather than pursue diversionary tactics with handpicked, unrepresentative groups; the SPLM should be urged to use its new influence in Khartoum to encourage moderation; and the international community should engage in a crash course to understand the unique roots of the problems there." [14c] (p10) In January 2006, ICG expanded this view, stating that: "Like Darfur and the South, the East suffers from marginalisation and underdevelopment: legitimate claims for more power and wealth sharing in a federal arrangement should be addressed within the framework of the Comprehensive Peace Agreement (CPA) the government and SPLM signed in 2005. But the SPLM needs to push for a provisional ceasefire and use its influence in Khartoum to get serious negotiations." [14b] (Executive Summary, p1)
- 24.16 Despite the parties involved the conflict having expressed their willingness to participate in Libyan and Eritrean mediated peace talks, the commencement of these proceedings was delayed on four successive occasions. [12c], [13a] However, On 20 June 2006 IRIN reported that: "The Sudanese government and rebels of the Eastern Front (EF) have signed a ceasefire and agreed on a framework for substantive peace talks to end a simmering civil conflict in east Sudan. Preparatory talks between the government and the EF – an alliance of two rebel movements, the Beja Congress and a smaller insurgency, the Rashaida Free Lions – began in the Eritrean capital, Asmara, on 13 June and concluded on Monday with the signing of two agreements. 'They signed a declaration of principles – a framework for future talks – and an agreement on creating a conducive environment for peace, which includes a ceasefire, the lifting of the state of emergency, the release of prisoners of war, and an agreement to refrain from hostile media campaigns,' an analyst in Asmara told IRIN.... 'The military ceasefire will take immediate effect,' he added." [10e]
- 24.17 FCO Country Profile, dated 6 November 2007 stated that:

“The African Union-brokered Darfur Peace Agreement (DPA), signed on 5 May 2006 between the Government of Sudan and the Minni Minawi faction of the SLM, is a good deal for Darfur. If adopted by all sides it should provide the basis for the return of the millions of people who fled their homes, and a return to normality. It gives the rebels a say in government at the national and Darfur levels, and provides for a substantial reconstruction package. It also requires the Government of Sudan to build confidence in the Agreement, particularly by disarming the *Janjaweed* Arab militias. But implementation is slow, also held back by the refusal of other rebel factions to sign it. The UK continues to press both the Government of Sudan and non-signatory rebel groups to commit to the peace agreement for the sake of the people of Darfur. We are urging all parties to renew the political process. Failing to do so would fail the millions of civilians who are suffering the consequences of the conflict in Darfur.” [4a]

WEST SUDAN (DARFUR)

- 24.18 On 7 August 2007 ReliefWeb provided an update in its June 2007 humanitarian news, regarding the current state of affairs in Darfur.

“Half way through the year, the humanitarian situation in Darfur continues to be characterized by displacements of civilians, resulting from violence and insecurity. This is leading to an increase in internally displaced persons (IDPs) and mounting tensions in camps. Meanwhile, violence against humanitarian staff is also increasing. At least 25,000 civilians were displaced during the months of May and June [2007], with more than 160,000 persons now identified as newly displaced since the beginning of the year. Fighting between government forces and rebels, as well as reported harassment by armed elements against civilians in Dafaq, displaced approximately 5,000 people to Um Dukhum during June. Aerial bombings by the military continued to be reported in North Darfur up to late June, while clashes between the military and rebel factions continued to be reported on the ground at various locations. The total number of IDPs in Darfur is now estimated at 2.2 million.” [68e]

- 24.19 The Report of the International Commission of Inquiry (UN ICI) on Darfur to the United Nations Secretary General (UN SG), which extensively recorded and examined the Darfur conflict, reported that: “The roots of the present conflict in Darfur are complex. In addition to the tribal feuds resulting from desertification, the availability of modern weapons, and the other factors noted above, deep layers relating to identity, governance, and the emergence of armed rebel movements which enjoy popular support amongst certain tribes, are playing a major role in shaping the current crisis.” [6e] (p22) The US IRF report 2007 stated that: “The ongoing conflict in Darfur between the government-backed Arab Muslim militias (*janjaweed*) and non-Arab Muslim rebels did not center on religious differences but rather on political, economic, and ethnic issues.” [3f] (Section I)

- 24.20 The UN ICI Report further noted:

“Most reports indicate that the Government was taken by surprise by the intensity of the attacks, as it was ill-prepared to confront such a rapid military onslaught. Furthermore, the looting by rebels of Government weaponry strengthened their position. An additional problem was the fact that the Government apparently was not in possession of sufficient military resources,

as many of its forces were still located in the South, and those present in Darfur were mainly located in the major urban centres.” [6e] (p23)

- 24.21 The Report continues by stating that: “From available evidence and a variety of sources including the Government itself, it is apparent that faced with a military threat from two rebel movements and combined with a serious deficit in terms of military capabilities on the ground in Darfur, the Government called upon local tribes to assist in the fighting against the rebels. In this way, it exploited the existing tensions between different tribes.” [6e] (p24) The UN ICI found that many Arab nomadic tribes responded to the call with a view, at least in part, to obtaining land for themselves, as did tribes from Libya, Chad and other states. [6e] (p24) The Report noted that: “These new ‘recruits’ were to become what the civilian population and others would refer to as the ‘*Janjaweed*’, a traditional Darfurian term denoting an armed bandit or outlaw on a horse or camel.” [6e] (p24)
- 24.22 UNICEF website, reported that the conflict in Darfur is described by the UN as one of the world’s worst humanitarian crises, affecting up to 4 million people. “Fighting between rebel groups, security forces and the *Janjaweed* militia continues largely unrestrained. Entire villages have been wiped out and 400,000 people have been killed.” [40d] “The statistics are bleak the report continued. Every day more than 70 children under the age of five are dying across Darfur. Illness and disease are rife and 1 million children in crowded camps are in need of basic food and water. Around 2 million people are internally displaced, half of whom are children. In the last six months alone, 250,000 people have been newly displaced. As more communities become affected, access to them becomes more difficult due to insecurity, with the delivery of assistance to the most vulnerable being compromised.” [40d]
- 24.23 International Rescue Committee (IRC), also reported of the Darfur conflict:
- “With more than 2 million people driven from their homes, Darfur has been described as one of the world’s worst humanitarian crises. Despite the signing of the Darfur Peace Agreement in May 2006, fighting is increasing across the region and the people of Darfur are suffering violence, atrocities and abduction. Amid desperate conditions, the International Rescue Committee delivers lifesaving aid, protects women and girls, and speaks out for global action on behalf of the Sudanese people.” [33c]
- 24.24 In a separate report, the IRC added that the organisation has responded to regional conflicts, natural disasters and post-conflict reconstruction in Sudan since 1981. “We are active throughout the country, working with over 2.2 million people, but divide our operations into three regions: West Sudan (Darfur), North and East Sudan, and South Sudan. The IRC’s long-term goal is to improve the Sudanese people’s ability to exercise their fundamental rights, access basic services and manage their own livelihoods.” [33e]
- 24.25 ReliefWeb reported on 2 July 2007 that Anne Richard, the International Rescue Committee’s vice president of advocacy, testified about the plight of Africa’s refugees and updated the representatives on recent developments in Darfur, among other crises before the House Foreign Affairs Committee on 20 June, World Refugee Day. “In Darfur, people continue to flee their homes in large numbers. Since the signing one year ago of the largely ineffective Darfur Peace Agreement, there have been around 450,000 more civilians displaced

many for the second or third time. 140,000 have fled since the start of 2007. This spring we have seen renewed, intensified aerial bombing campaigns and attacks on civilians.” [68c]

- 24.26 The report added: “These new displacements have severely impacted an already strained humanitarian response. Many of the camps around Nyala and El Fasher towns are now operating at or above capacity, yet people continue to arrive. In North Darfur in particular, there is increasing pressure on scarce and depleted natural resources and water shortages have been reported in several camps.” [68c] Furthermore: “The violence has spread right throughout all three Darfur states. Even the camps where more than 2 million people have sought refuge are increasingly at risk. Armed men routinely enter the camps, to intimidate and harass civilians and to steal humanitarian vehicles and supplies. Agencies frequently have to withdraw from such camps for days or weeks at a time. The prevalence of vehicle hijacking means agencies are now reliant largely on helicopters, with many roads too dangerous to use, leaving whole swathes of rural Darfur where the needs are often greatest of all effectively out of bounds to aid agencies.” [68c]
- 24.27 Refugee Rights reported in its February 2006 newsletter that UNHCR has issued new guidelines to states on the situation of Darfuri and other Sudanese asylum seekers, stating that the previous set of guidelines issued and published in 2001 was now considerably out of date in the light of the major changes which have occurred within Sudan and the region since that time. [85a] “Qualification of the situation in Darfur is at the heart of the Guidelines: the Guidelines conclude that the security situation in Darfur has noticeably deteriorated since August 2005 and that ‘the absence of effective protection by the authorities has further exacerbated threats to the physical safety of Darfurians’. The Guidelines recommend that ‘States provide international protection to Sudanese asylum seekers from Darfur of ‘non-Arab’ ethnic background through according them recognition as refugees’. Further, even where a state feels unable to grant refugee status under the law, the Guidelines urge that ‘non-Arab’ Sudanese originating from Darfur should not be forcibly returned until such time as there is a significant improvement in the security situation.” [85a]

Conflict and insecurity

- 24.28 UN ICI’s January 2005 report concluded that, although serious human rights abuses were committed and some of the perpetrators may have acted with genocidal intent, genocide itself had not occurred:

“The Commission concluded that the Government of the Sudan has not pursued a policy of genocide. Arguably, two elements of genocide might be deduced from the gross violations of human rights perpetrated by Government forces and the militias under their control. These two elements are, first, the *actus reus* consisting of killing, or causing serious bodily or mental harm, or deliberately inflicting conditions of life likely to bring about physical destruction; and, second, on the basis of a subjective standard, the existence of a protected group being targeted by the authors of criminal conduct. However, the crucial element of genocidal intent appears to be missing, at least as far as the central Government authorities are concerned. Generally speaking the policy of attacking, killing and forcibly displacing members of some tribes does not evince a specific intent to annihilate, in whole or in part, a group

distinguished on racial, ethnic, national or religious grounds. Rather, it would seem that those who planned and organized attacks on villages pursued the intent to drive the victims from their homes, primarily for purposes of counter-insurgency warfare.” [6e] (p4)

- 24.29 IRIN News reported on 29 August 2006 that “The world’s largest humanitarian operation in the western Sudanese region of Darfur is on the verge of collapse due to escalating violence, a United Nations humanitarian official warned....’Insecurity is at its highest level since 2004, access at its lowest levels since that date and we may well be on the brink of a return to all-out war,’ the Emergency Relief Coordinator and Under-Secretary-General for Humanitarian Affairs, Jan Egeland, told the UN Security Council.” [10ba] “...Since the signing of the 5 May Darfur Peace Agreement between the Sudanese government and one of the three main rebel groups, fighting has escalated between signatories and non-signatories to the peace deal. In recent weeks, as many as 50,000 people have been displaced across the region, while nine humanitarian aid workers were killed and 20 vehicles hijacked in July. As a result, access to the affected population is at its lowest level since the start of the conflict in 2003.” [10ba]
- 24.30 Amnesty International reported on 31 August 2006 that:
- “Amnesty International fears for the safety of all civilians living in areas under the control of armed rebel groups, as a new Sudanese government military offensive against such areas is underway in North Darfur state and is threatening in South Darfur state ... On 28 August, the area of Kulkul, some 40 km northwest of North Darfur’s capital al-Fasher, was heavily bombed by government Antonov aircraft, prompting civilians to flee the town and their villages. A few hours later, government troops moved in the town of Kulkul.” [16ad]
- 24.31 A further report by IRIN on 15 September 2006 noted:
- “Rampant insecurity in North Darfur State is preventing aid agencies from distributing food and stopping many farmers from planting crops. The result is very precarious food security, aid workers warn.... The World Food Programme (WFP) warned on Monday that 355,000 people in North Darfur had been cut off from food aid last month. For most, it was the third consecutive month that fighting and banditry had prevented food from reaching them. The situation is compounded by the fact that Darfur is at the height of the ‘hunger season’ – the period right before the next harvest when food stocks have run out and high prices prevent many people from buying food at the market.” [10bb]
- 24.32 IRIN also reported on 3 October 2006 that: “Clashes between fighters loyal to the Sudan Liberation Movement/Army (SLM/A) and Justice and Equality Movement (JEM) have left at least 11 civilians dead in Gereida town, South Darfur State in western Sudan, sources said. ... Fighting began late last week, when rebels from the JEM attacked the SLM members, prompting some agencies to withdraw staff from the town. ... Gereida Camp is home to 130,000 internally displaced Darfur civilians.” [10ee]
- 24.33 Security in Darfur continued to deteriorate as reports of fighting between the Sudanese government forces and the Justice and Equality Movement (JEM)

broke out on the on the Chad-Sudan border near the town of Bahai. At least 77 people were injured and taken to a hospital in eastern Chad for treatment. JEM are reported to have taken over 100 prisoners. Both sides are accusing each other of starting the fighting. (BBC Online, 8 October 2006) [9ax]

- 24.34 “In large parts of West Darfur, the Janjawid have almost complete control and are gradually occupying the land which was depopulated by the scorched earth campaign in 2003 and 2004. Hundreds of thousands of people – most of the original population – now live in camps for internally displaced persons (IDPs) or in refugee camps across the border in Chad.” (Amnesty International’s Report, Sudan: Crying out for Safety, 5 October 2006) [16ao]
- 23.35 The government launched a major offensive against the NRF [National Redemption Front] in late August 2006, mainly in North Darfur, but also in areas of West and South Darfur. Ground troop movements, including the Janjawid, are reportedly coordinated with the Minawi faction, which has also participated in the ground attacks. The majority of the NRF military forces, especially in North Darfur are SLA forces.” (Amnesty International’s Report, Sudan: Crying out for Safety, 5 October 2006) [16ao]
- 24.36 IRIN Country Profile, 2007 stated: “According to Human Rights Watch, the signing of a Comprehensive Peace Agreement in 2005 between the government and rebels that ended 21 years of war has brought little improvement in human rights in the country. Attacks on civilians, killings, rape, torture, looting, arbitrary arrests and harassment of human-rights activists continue to be witnessed in Darfur and other parts of Sudan.” Stating that Sudan requires aid for the provision of protection and other humanitarian assistance for its citizens against widespread armed conflict in the Darfur region. There is inadequate funding to cope with the large refugee population from neighbouring countries, mainly Eritrea and Ethiopia, and thousands of Sudanese returnees. [4a] (p4)
- 24.37 UN News reported on 16 May 2007 that:
- “Violence continues to hamper humanitarian aid in Sudan’s Darfur, although many humanitarian activities, including a successful polio vaccination campaign, are currently being carried out in Sudan’s Darfur region, violence continues to threaten the operations, according to the United Nations Mission in Sudan (UNMIS). Incidents of road banditry and fighting between the warring factions continue to disrupt long-term planning, spokesperson Radhia Achouri said at the weekly UNMIS press conference in Khartoum.” [6av]
- 24.38 The UN Secretary General’s (UN SG) Report of 27 July 2007 stated that:
- “In recent months, the overall security situation in Darfur has been characterized by continual violence and insecurity. The nature of that insecurity, however, differed in the three states of the region. Western Darfur suffered from cross border tensions between Chad and the Sudan, including direct hostilities in early April. Northern Darfur remained heavily affected by the conflict between the Government of the Sudan and the Darfur Peace Agreement non-signatory factions, particularly in the areas north of El Fasher and in Jebel Marra, while in Southern Darfur persistent tribal conflict also continued to result in violent attacks.” [6q] (p1)

24.39 The report added:

“In a disturbing development, elements of the two signatories to the Darfur Peace Agreement, namely the Government of the Sudan and the Minni Minawi faction of the Sudan Liberation Movement/Army (SLM/A), clashed on several occasions in March. The most significant security development of the reporting period, however, was the increasing violence against the African Union Mission in the Sudan (AMIS) and the United Nations Mission in the Sudan (UNMIS), as well as the broader United Nations and international non-governmental organization community in Darfur.” [6q] (p1)

24.40 BBC News reported on 11 September 2007 that Sudanese government planes have bombed the town of Haskinita in North Darfur, and that the aerial attacks had killed at least 25 civilians and three JEM fighters. [9h] ...“The bombardment had started on Monday afternoon and then ground forces entered the rebel controlled town. These reported clashes come just weeks before the start of peace talks between rebel leaders and officials from Khartoum. At least 200,000 people are believed to have died in four years of fighting in Darfur, while more than two million have fled their homes. Sudan's government denies charges it backs Arab militias accused of atrocities against the region's black African population.” [9h]

24.41 Amnesty International reported on 11 February 2008 that thousands of civilians have fled West Darfur's Sirba region and an unknown number were killed as the Sudan Armed Forces (SAF) accompanied by uniformed Janjaweed militias on horses moved to re-occupy an area, which was occupied by Sudan's Justice and Equality Movement (JEM) and carried out attacks. [16ae]

“The latest figures indicate that 12,000 people have crossed into Chad, thousands more have gone south to Jeneina and many, especially women and children, are believed to still be sheltering in the bush. Those remaining in the area are vulnerable to attack by militias and others. It is still not known how many civilians died in the attacks. However, around 100 were said to have been killed in the three main villages in the area, Sirba, Abu Suruj and Silea, which were attacked on Friday (8 February).” [16ae]

The Peace Process

24.42 USSD (Bureau of African affairs) reported that the Darfur Peace Agreement was signed on 5 May 2006, by the largest rebel group, the Sudan Liberation Movement led by Mini Menawi, and the Sudanese Government. Stating that, “this is an important achievement for peace in Darfur. It is a fair agreement that addresses the long-standing marginalization of Darfur, and charts a path for lasting peace for the innocent victims of the crisis.” [3]

24.43 On 28 February 2005 the UN published the ‘Report of the independent expert on the situation of human rights in the Sudan, Emmanuel Akwei Addo’. [6i] The Report recorded the continuing human rights abuses committed against internally displaced persons (IDPs) in Darfur and the particular threat of violence, including rape, against women. [6i] (p9-11, 13-15) The Report states that: “The Darfur peace process is in jeopardy, as rebels walked out of talks in Abuja in protest against two weeks of onslaught by the Government. The

- situation in the region seems to be deteriorating sharply. The rebels have grown more intransigent, and security on the ground is getting worse.” [6i] (p3)
- 24.44 The AU published the Declaration of Principles for the Resolution of the Sudanese Conflict in Darfur, which had been signed on 5 July 2005 at the close of the fifth round of the peace talks. [47d] The Declaration listed the principles under which future peace talks would be guided and stated that these principles constituted the basis for a just, comprehensive and durable settlement of the conflict in Darfur. [47d] (p1)
- 24.45 The Sudan Organisation against Torture’s (SOAT) July–August 2005 newsletter reported that:
- “Steps towards [a] peace agreement has [sic] been hindered somewhat by reportedly [sic] breaches in the SLA command structure[.] SOAT calls on the SLA leadership in the interest[s] of their own people to overcome their current differences, immediately reconcile their differences with the JEM; and to spend their efforts on resolving the conflict and reaching a peace agreement with the government in Khartoum to allow the 1.9 million people displaced in Darfur to return to their villages.” [15a] (p6)
- 24.46 An African Union press release of 24 August 2005 announced that: “The sixth session of the Inter-Sudanese Peace Talks on the conflict in Darfur will be convened in Abuja, Nigeria, on 15 September 2005. The negotiations on the substantive issues of Power Sharing, Wealth Sharing and Security Arrangements, will be preceded by workshops for the participants.” [47e]
- 24.47 During October and November 2005, the BBC also reported on the internal divisions that faced the SLM rebels and were subsequently hindering the peace process. [9u-9v]
- 24.48 On 5 May 2006, following protracted negotiations coupled with threats and ultimatums from the international community to all parties to the conflict, the AU finally managed to secure and conclude the Darfur Peace Agreement (DPA). ... Despite expectations and last minute round of intense negotiations, two parties to the conflict, the Justice and Equality Movement and a faction of the Sudan Liberation Army (SLA) headed by Abdelwahid Mohamed El Nur’s refused to sign the peace agreement on the grounds that the DPA did not address their key concerns. As it stands, the DPA, which is meant to end the terrible plight of the civilian population in Darfur, has only two signatories, the government of Sudan (GoS), the Sudan, and the faction of the SLA, headed by Mini Minnawi with both signatories registering their reservations.” (SOAT Newsletter April-May 2006) [15ai] (p1-2) Then, on 9 June 2006 IRIN News reported that: “Factions from two Sudanese rebel groups that had refused to sign the Darfur Peace Agreement [5 May 2006] signed a declaration of commitment to the pact on Thursday [8 June 2006], effectively pledging to abide by its terms.” [10bj]
- 24.49 Following the signing of the DPA on 5 May 2005, the UN Secretary General Kofi Annan urged all parties in the conflict to: “respect an earlier ceasefire pact and appealed to rebel factions that had refused to sign the peace agreement to do so.” (IRIN News 10 May 2006) [10bh] Furthermore, UN Secretary General Kofi Annan also pledged to speed up the planning for the deployment of a UN peacekeeping force to Darfur. [10bh]

- 24.50 IRIN News reported on 17 May 2006 that “A United Nations Security Council resolution has paved the way for the deployment of a UN peacekeeping force in Sudan’s western Darfur region and threatened sanctions against any parties standing in the way of peace. [10b] However, the Sudanese government later rejected a draft UN resolution to send a peacekeeping force to Darfur. Ghazi Salah Eldin Atabani, Chairman of the National Congress party was quoted as saying after a meeting with President Omar al-Bashir that: “The draft resolution is worse than previous ones as it is an attempt to impose complete tutelage on the Sudan.” [9w] He also said: ‘Any state that sponsors this draft resolution will be regarded as assuming a hostile attitude against the Sudan.’” [9w]
- 24.51 The *Sudan Tribune* reported on 14 September 2006 that:
- “Sudan formally called on the African Union Wednesday [13 September 2006] to pull its peacekeepers out of Darfur by the end of the month if it continues to support a U.N. takeover of the mission. A 7,000-strong AU force is now in the western region of Sudan but is understaffed, starved of cash and eager to hand over to the U.N. Its mandate expires at the end of the month. ‘If the AU wants to transfer the mission to the U.N., then they have to pack up their troops and leave by the September 30,’ Al-Samani Al-Wasila, Sudan’s junior foreign affairs minister, told journalists after meeting with AU officials in Addis Ababa.”
- 24.52 The *Sudan Tribune* then reported on 16 September 2006 that:
- “Sudanese President Omar Hassan al-Bashir said on Saturday [16 September 2006] he did not want a U.N. peacekeeping force in Darfur under any circumstances. ‘We don’t want the United Nations back to Sudan no matter the conditions,’ he said at a news conference during the Non-Aligned Summit in Cuba. ‘We have met with (U.N. Secretary General) Kofi Annan and we have clarified in detail that we reject the decision of the Security Council,’ he said. The United Nations has proposed a peacekeeping force of more than 20,000 troops and international police officers for Darfur, which suffered its bloodiest month in July since the conflict began.” [12i]
- 24.53 In October 2006 Amnesty international (AI) reported that: “Despite the signing of the Darfur Peace Agreement (DPA) there has been more fighting, more displacement and more uncertainty in Sudan.” AI has repeated its calls on Sudan to consent to the deployment of a UN peacekeeping force in Darfur to protect the civilians. In August 2006 the government launched the largest military offensive in over a year in North Darfur. [16an]

SOUTH SUDAN

- 24.54 HRW annual report, 2007 stated that
- “The January 2005 Comprehensive Peace Agreement created high expectations among the millions of Sudanese who suffered the effects of the 21-year civil war. Many southern Sudanese expressed disappointment in the slow progress implementing the CPA in 2006. Although the UN estimated that some 12,000 refugees returned to the region, the majority of the four million

people displaced by the war did not, with many citing fears of continuing insecurity and lack of services as the key obstacles.” [19p]

24.55 The report stated further that:

“Although weakened by the death of its chairman, John Garang, in August 2005, the Sudan People’s Liberation Movement avoided a leadership struggle with the appointment of Garang’s deputy, Salva Kiir, to head the new regional Government of South Sudan. Setting up a new administration, developing the infrastructure-poor south and disarming or integrating the many southern militia groups into the southern army were among the formidable challenges faced by the new southern government. SPLA efforts to forcibly disarm the White Army – a group of armed Nuer civilians in Upper Nile – without a comprehensive disarmament program targeting the many armed groups in the region, backfired in early 2006, provoking serious inter-communal attacks and hundreds of deaths, many of them civilians.” [19p]

24.56 Furthermore:

“Despite sporadic violence in different areas of the south, the north-south ceasefire agreement largely held and both the Sudanese Armed Forces and the Sudan People’s Liberation Army made progress redeploying their forces under the terms of the CPA. Furthermore, the status of Abyei, a resource-rich area claimed by north and south, remained unresolved, one of several key areas of friction jeopardizing the cohesion of the Government of National Unity and the implementation of the CPA.” [19p]

24.57 Whilst UNFPA reported in its 2006 country office annual report that: “Southern Sudan now has entered recovery and development phase, with an expected mass return of a large number of IDPs and refugees. The civil unrest in the three states of Darfur region alone has resulted in the displacement of over 2 million people with 200,000 refugees sheltering in Chad.” [80b]

24.58 However, UNICEF reported in its humanitarian action report 2007 that the long term effects of the conflict continue to negatively impact upon children and women in southern Sudan. “Problematic overland transport routes and the rainy season make access to some populations difficult. Basic social services are limited and inequitably distributed, with the return of some 240,000 people further increasing pressure in already vulnerable communities.” [40f]

26.59 The *Sudan Tribune* reported on 17 September 2007 that the government of South Sudan and rebel Justice and Equality Movement (JEM) have agreed to coordinate efforts to end the four year crisis in western Sudan.

“Riek Machar Vice-president of southern Sudan government, Riek Machar, discussed with a JEM delegation headed by Mohamed Abkr, the deputy chairman of JEM General Congress and attended by Ahmed Hussein Adam, the responsible of relations with the SPLM, ways to conjugate efforts to find a durable peace in Darfur in London last Sunday. The South Sudan official underlined the importance of adoption a common position from the rebel groups before the talks he also insisted on the necessary coordination between the rebel movements during the negotiations.” Adding that the SPLM is ready to assist and facilitate efforts to realize these goals. [12ai]

24.60 The *Sudan Tribune* reported on 21 September 2007 that:

“We the Southern Sudanese are always panicking when things went wrong or done by Khartoum government/NCP, the SPLM continued to terrorize the South with their tribal appointed officials. SPLM continued to campaign for NCP mission objectives and had ignored the interests of the Southern Sudanese who fought for 55 years. We are people with various skills, talents and professions, our communities are rich with, resources like oil, minerals, brave and committed patriots and combatants but what frustrate us is our division due to our minds of tribalism, selfish interests and propaganda made by CPA major partners NCP and SPLM. The Southerners must now leave their internal differences and come forward to focus for the separation [sic] awareness among our misguided communities.” [12y]

24.61 However, Médecins Sans Frontières (MSF) reported on the 8 January 2008 that the aftermath of the decades-long civil war between the north and south has left south Sudan in a desperate state. “Three years after a decades-long civil war between the north and south of Sudan has ended, the population of southern Sudan is still struggling for survival, dying from preventable and curable diseases, and facing outbreaks on regular basis. Maternal mortality rates are amongst the highest in the world and poverty-related diseases such as measles, malaria, tuberculosis and kala azar remain major killers.” [41c]

24.62 The report adds:

“There [sic] hardly any roads in southern Sudan, almost everything is transported by aircraft. In the Upper Nile state of southern Sudan, MSF maintains a number of projects focusing on primary healthcare. Because of a desperate shortage of infrastructure, reaching much of the region, especially in the rainy season, is particularly onerous and few NGOs are present on the ground. In the Upper Sobat, MSF runs a hospital in the former garrison town of Nasir and four outreach clinics in the northern Upper Nile area, accessible only by boat or air.” [41c]

Conflict and insecurity

26.63 USSD report for 2006 stated that:

“There were occasional reports of intertribal abductions of women and children in the South, primarily in the eastern Upper Nile. The abductions were part of traditional warfare in which the victor took women and children as a bounty and frequently tried to absorb them into their own tribe. There were traditional methods of negotiating and returning the women who were taken in these raids. Many of these women were raped and ‘chose’ to ‘marry’ their abductors, rather than return home where they would be stigmatized. There were deaths in conflicts between ethnic groups, such as continued fighting between Dinka and Nuer or among Nuer tribes.” [3a] (Section 5)

24.64 The BBC and IRIN both reported on the continuing insecurity in various regions of south Sudan during 2005 and into 2006. [9f, 9g, 9y, 9z,] [10bk, 10bl] IRIN noted that: “Recent clashes [which resulted in the death of civilians] between armed militia and the southern Sudanese army in the greater Upper Nile region demonstrate the need to resolve issues of alignment between

various armed groups in the area, a spokeswoman for the United Nations said.” [10bm]

- 24.65 In October 2006, Southern Sudan President Salva Kiir Marayadit gave the order for security forces to act quickly to protect its citizens from any attacks as an unidentified armed group killed 42 people around the capital, Juba. Although it was not clear who the attackers were, people were discouraged from talking about their identity for fear of putting the peace talks between the Government of Uganda and the Lord’s Resistance Army (LRA) in danger. [10eg]

Lord’s Resistance Army (LRA)

- 24.66 USSD report for 2006 stated that:

“During the past 20 years, the LRA kidnapped more than 20 thousand Ugandan children, took them back to the southern part of the country, and forced them to become sex slaves, pack animals, or soldiers. Many of the victims were killed. The LRA also abducted citizens while raiding towns in the South [3a] (Section 5)

- 24.67 In a January 2006 report, IRIN reported the opinion of Gemmo Lodesani, the UN Deputy Humanitarian Co-ordinator for North Sudan:

“Lodesani also drew attention to the ongoing insecurity in southern Sudan, which he said needed to be addressed urgently. The Ugandan rebel group, the Lord’s Resistance Army (LRA), for example, had increased its attacks in recent months, jeopardising the safety of civilians and aid workers in the region. ‘There is a serious threat to security in the south. In my opinion, there is a need to beef up security,’ he noted. Despite his concerns, however, he was sceptical about the widely held view that the LRA was responsible for all the recent security incidents. ‘Actually, right now in the south, especially in [the region of] Equatoria, everything is LRA,’ he noted. ‘If a bandit or whatever is going to do something, it is LRA.’ ‘I think we are doing the LRA a big favour because they come up as a super strong militia roaming over many millions of square miles from west to east,’ he added. Nevertheless, the uncertainty of the exact strength of the LRA did not change the security concerns, Lodesani said: ‘The truth of the fact is that there is a lot of insecurity. Be it LRA or common banditry, the end result is the same’.” [10br]

- 24.68 IRIN reported on 27 April 2007, that the recommencement of talks between the government and the Lord’s Resistance Army (LRA) may end one of Africa’s most brutal conflicts, but it is too early to write off the rebels, a global think-tank has warned. The process should also lead to the economic empowerment of affected populations to redress Uganda’s north-south divide and break the cycle of conflict, the International Crisis Group (ICG) said. The talks resumed in Juba, southern Sudan, after a meeting between the rebels, mediators and Ugandan officials near the border between Sudan and the Democratic Republic of Congo. The meeting also extended an earlier cessation of hostilities agreement to June, giving the rebels six weeks to assemble at Ri-Kwangba. The United Nations special envoy, Joachim Chissano urged the delegates, attended by top southern Sudanese officials, not to let this opportunity go, stating “This is valid for the government team too, Do not lose this opportunity.” [10en]

The Implementation of the Comprehensive Peace Agreement (CPA)

- 24.69 SOAT's May-June 2005 newsletter recorded that: "Six months after the signing, SOAT has noted changes, which while not overwhelming, are significant in the Equatorial states as a direct consequence of the signing of the CPA. [sic] These states, which were government-controlled during its two decades war with the SPLA has seen the lifting of curfew and a lessening in the severity of human rights violations committed by government forces." [15g] (p6) The newsletter continued: "Reported violations [by government forces] have reduced dramatically over the last six months. Nonetheless, flogging, an inhumane and degrading punishment continues to be imposed for certain types of crime including theft, notwithstanding that this punishment constitutes cruel, inhuman and degrading treatment according to the UN Convention against Torture and the International Covenant of Civil and Political Rights." [15g] (p6)
- 24.70 In July 2005, the ICG released its Report 'The Khartoum-SPLM Agreement: Sudan's Uncertain Peace' which states that: "The main obstacles [to successfully implementing the CPA] are the old regime's lack of will to embrace genuine power sharing and elections, and ultimately allow a southern self-determination referendum after the six-year interim period and lack of capacity in the South to establish and empower basic structures of governance." [14f] (Executive Summary and Recommendations)
- 24.71 The Report continued:
- "Most members [National Congress Party (NCP)] recognise the free and fair elections required in 2009 would likely remove them from power. Many also fear the self-determination referendum will produce an independent South, thus costing Khartoum much of its oil and other mineral wealth. There are signs the NCP seeks to undercut implementation through its use of the militias (the South Sudan Defence Forces, SSDF), bribery, and through the tactics of divide and rule. It actively encourages hostility between southern groups, with the hope that intra-south fighting will prove sufficiently destabilising that the referendum can be postponed indefinitely without its being blamed." [14f] (Executive Summary and Recommendations)
- 24.72 The ICG Report went on to discuss the terms of the CPA; including potential pitfalls in the Agreement itself, the importance of political inclusivity, the role of the SSDF, the SPLM's internal difficulties, and disagreements over oil boundaries and revenues. [14f] Following the apparently accidental death of John Garang in an air crash in late July 2005, the ICG released a Report in August 2005 on the implications of his death for peace in Sudan, which discussed the violence that Garang's death sparked around the country, the effect on the SPLM and the Government of Sudan, and the regional implications of his death. [14g] The Report states that: "The country is at risk of eventually losing a peace agreement that was already looking somewhat shaky." [14g] (p1)
- 24.73 IRIN's 'Year in Brief' Report chronologically recorded major events of 2005. [10ac] The news organisation's 'Year in Review' of 9 January 2006 records that: "'In terms of political power and the economic sector, the NCP kept full control over the key ministries, and this is creating a credibility problem,' said Alfred Taban, editor of the *Khartoum Monitor*, an independent newspaper."

‘The SPLM/A and many southerners were very disappointed and lost faith in the intentions of the NCP.’ Other observers in the region believed the NCP was still firmly in charge. Besides retaining key ministries, the party dominated the presidency and its advisory council. The NCP was also able to exert a degree of control over ministries they had handed over to the SPLM/A through shadow bureaucracies comprised of NCP loyalists. On the military front, continued rumours about Sudanese support for the Ugandan rebels of the LRA and other militias in southern Sudan and the lack of progress in formally agreed troop withdrawals from the southern capital of Juba were other reasons for concern.” [10bl]

See also [The North-South Comprehensive Peace Agreement \(CPA\)](#)

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FREEDOM OF MOVEMENT

- 25.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 19 February 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 42 of the INC records that: "(1) Every citizen shall have the right to the freedom of movement and the liberty to choose his/her residence except for reasons of public health and safety as shall be regulated by law; (2) Every citizen shall have the right to leave the country and return thereto as shall be regulated by law and shall have the right of return;" [94a] (p17)
- 25.02 The USSD report for 2006 stated that:
- "Freedom of movement was generally unhindered for citizens outside conflict areas, however, foreigners usually needed government permission for domestic travel outside of Khartoum, which could be difficult to obtain and sometimes refused. Foreigners must register with the police on entering the country, obtain permission to move from one location to another, and reregister at each new location within three days of arrival. The Government of Southern Sudan did not restrict the movement of foreigners in the south, although foreigners were required to register upon entry." [3a] (Section 2d)
- 25.03 Furthermore "The government detained persons, particularly opposition political figures, at the airport and prevented them from travelling due to 'security concerns.' For example, on August 20 [2006], the government prevented the director of a local NGO working in Darfur from departing the country to attend a conference overseas and confiscated his passport." [3a] (Section 2d)
- 25.04 IRIN News reported on 26 March 2007 that:
- "Aid workers in the troubled western Sudanese region of Darfur are frequently prevented from doing their jobs by being denied access to certain areas, United Nations Under-Secretary General John Holmes said. 'The United Nations and its NGO [non-governmental organisation] partners are keeping these people alive and we are not allowed in. We should be allowed to move freely,' Holmes said on Saturday [24 March], after being denied permission to visit Kassab camp for internally displaced persons in North Darfur state. 'I fear this is typical of what aid workers trying to make a difference in Darfur deal with on a daily basis,' he added." [10ax]
- 25.05 Further adding: "Holmes, who is on a two week mission to Sudan, Chad and the Central African Republic (CAR), was travelling to Kassab when his convoy was stopped in Kutum town, and told he could not visit the camp home to 22,700 displaced people. The government controlled town is about 120km north of El Fasher, the capital of North Darfur." [10ax]

PASSPORTS

- 25.06 According to the Danish 'Report on Fact Finding Mission to Cairo, Khartoum and Nairobi in 2001', the Passports and Immigration Department in Khartoum issued national passports and: "Any Sudanese citizen could have a national passport issued to him if he can produce valid proof of nationality and an

identity card.” [23b] (p56) The Report continues: “Sudanese citizens who were staying abroad and whose passport had expired could apply to the nearest Sudanese embassy or to the passport issuing authorities in Khartoum for a new passport.” [23b] (p56)

- 25.07 The Report also stated that: “There were two types of passport which were normally used, one for business travellers (pale blue cover) and one for ordinary travellers (green cover).” [23b] (p56) “From 2002 new technically improved passport types would be issued to replace the above, which were relatively easy to falsify.” [23b] (p56) The Foreign and Commonwealth Office (FCO), in a letter dated 28 February 2005, described Sudanese passports as follows: “It’s green, has 64 pages and is initially valid for 2 years.” [4b] (p2)

- 25.08 The Immigration and Refugee Board of Canada published an update on Sudan’s passport issuance and renewal procedures on 28 February 2007, stating that:

“Sudanese passports are valid for ten years, but need to be renewed every two years during this period (Sudan 14 Feb. 2007; *ibid.* n.d.a; *ibid.* n.d.b). To renew a Sudanese passport outside of Sudan, the holder must submit the following to a Sudanese Embassy: a completed application form signed by the applicant; one passport photograph; and the appropriate renewal fees (*ibid.*; *ibid.* n.d.a). In a 14 February 2007 telephone interview, an official at the Embassy of the Republic of Sudan in Canada indicated that persons renewing their passports within Sudan must submit the required documentation and fees to the country’s Ministry of Interior Affairs.” [65j]

EXIT VISAS

- 25.09 The 2001 Danish report recorded that two types of exit visa had been in use since May 1998; one type was issued to Sudanese nationals travelling abroad to work and the other type of exit visa was issued to everyone else. [23b] (p56) FCO’s letter of February 2005 noted that Sudanese nationals who wished to leave the country were still required to obtain an exit visa. [4b] (p2)

- 25.10 The USSD report for 2006 noted that the government required citizens to obtain an exit visa to depart the country; however, “the issuance of exit visas was pro forma and generally not used to restrict citizens’ travel.” [3a] (Section 2d)

- 25.11 US States Department reported the following regarding the entry and exit requirements on its website on 31 August 2007.

“The Government of Sudan requires all travelers to present a passport and an entry visa. Most travelers [sic] must obtain the entry visa before arrival; only American citizens who also possess a Sudanese national identification document (such as a Sudanese passport or national identification card) may apply for an entry visa at Khartoum International Airport. The Government of Sudan routinely denies visas to travelers [sic] whose passports contain visas issued by the Government of Israel or other evidence of travel to Israel such as exit or entry stamps. Travelers [sic] must obtain an exit visa before departure from Sudan as well as pay any airport departure tax not included in the traveler’s [sic] airline ticket.” [3b]

AIRPORT SECURITY

- 25.12 The embarkation process at Khartoum Airport, at that time, was explained to the Danish Fact Finding Mission of 2001. [23b] (p56-57) Colonel Ismail H Rasoul of the Khartoum Airport Police told the mission that, after the first baggage check, the traveller has to present his passport with an exit visa, which is then stamped and the traveller himself completes a departure form, which is then registered on computer. [23b] (p56) The airport security police at Khartoum airport have a list of wanted persons, which is checked at this point of the embarkation process. [23b] (p56-57) The Report stated that: "His baggage is then checked by the customs authorities. Before a person gains access to the plane his passport is checked again." [23b] (p57) The USSD report of 2006 stated that: "After the signing of the peace agreement, the minister of interior announced the cancellation of the lists of persons that should be denied exit visas." [3a] (Section 2d)
- 25.13 Three sources consulted by the Danish mission in 2000 agreed that, apart from those on the Government's list of wanted persons, Sudanese citizens were easily able to resort to bribery to obtain passports and exit visas, and to pass by border control officers at that time. [23a] (p27-28) It also stated that: "The authorities are not very well able to check on all departing passengers," [23a] (p28) and that: "This is due to shortage of financial resources and a general casualness about checks on departure." [23a] (p28) The FCO letter of February 2005 stated that, whilst it was probable that bribery was used to obtain passports and visas, and to facilitate passage through immigration control, the FCO itself was unable to source or verify such assumptions. [4b] (p2)

WEST SUDAN (DARFUR) AND EAST SUDAN

- 25.14 The USSD report for 2006, noted that: "Although foreign NGO staff could obtain entry visas and work or travel permits for Darfur, there were numerous reports of continuing delays and restrictions. The government generally implemented its policy of issuing humanitarian visas within 48 hours, but nationals of some countries encountered difficulties in obtaining visas to work with NGOs." [3a] (Section 2d) UNHCR's comments to the Advisory Panel on Country Information of 8 March 2006 stress that the internally displaced persons (IDPs) in Darfur also suffer from a lack of freedom of movement due to the ongoing insecurity in the region, and lack of security in and around the IDP camps. [20a] (p5)
- 25.15 A January 2006 ICG Report, 'Sudan: Saving Peace in the East', states that: "Security is tight in the major cities [in east Sudan]. Military intelligence reportedly remains influential in government decision-making and closely monitors movements throughout the territory, keeping a wary eye in particular on anything related to Eritrea." [14b] (p13)

RETURNING SUDANESE NATIONALS

- 25.16 Article 42 of the INC stated that: "(2) Every citizen shall have the right to leave the country as shall be regulated by law and shall have the right of return." [94a] (p17) The USSD report of 2006 noted that: "The law prohibits forced exile, and the government did not use it. Opposition leaders remained in self-imposed exile in Cairo, Asmara, and other locations during the year [2006]." [3a] (Section 2d)

- 25.17 A February 2005 IRIN report recorded a UNHCR estimate that 600,000 Sudanese refugees had already returned to Sudan, including over 200,000 non-registered refugees from neighbouring countries, possibly as many as 400,000 IDPs, and that thousands more were expected to return in the following months. [10bs] (p1) The report also stated that: "The returnees were, however, arriving in an area lacking basic infrastructure – from roads, schools, clinics and buildings for the local civil authorities, to protection for the returnees." [10bs] (p1)

FREEDOM OF MOVEMENT: SOUTH SUDAN

- 25.18 The UN's Integrated Regional Information Networks (IRIN) recorded the signing of the Interim Constitution of Southern Sudan (ICSS) on 5 December 2005. [10g] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 31 of the ICSS states that:

- "(1) Every citizen and any person lawfully in the Sudan shall have the right to freedom of movement and the liberty to choose his or her residence in Southern Sudan except for reasons of public health and safety as shall be regulated by law.
- (2) Every citizen shall have the right to leave and/or return to Southern Sudan." [94b] (p11)

- 25.19 USSD report for 2006 stated that:

"Since the January 9 [2005] CPA signing, the SPLM has not restricted the freedom of movement among populations under its control. The SPLM and government-related militias enforced illegal taxation for citizens entering or leaving the area under their control. For example, the CPMT concluded that government-aligned militias maintained checkpoints illegally to collect taxes from local residents and returning IDPs in Abyei. Insurgent movements in the South also required foreign NGO personnel to obtain permission before travelling to areas under their control; however, the insurgents generally granted such permission. NGO workers who have worked in government-held areas encountered problems receiving permission to work or travel in insurgent-held areas." [3a] (Section 2d)

- 25.20 HRW's March 2006 Report on 'The Impact of the Comprehensive Peace Agreement and the New Government of National Unity on Southern Sudan' states that: "According to residents, since the SPLM's official appearance in Juba in May 2005, the previous climate of repression of southern culture, religion and everyday life in Juba has loosened. A curfew was lifted and people could move more freely about the town." [19a] (p9)

- 25.21 HRW's World report March 2007 stated that:

"Journalists and human rights defenders continued to suffer harassment, arrest and detention without charge, and other forms of intimidation, mainly from Sudanese security forces in Darfur and Khartoum. At least 15 international and Sudanese journalists were arrested and detained in 2006, and many more faced harassment, beatings, and arbitrary bureaucratic

restrictions, particularly vis-à-vis efforts to travel to and report on the situation in Darfur and other sensitive issues.” [19p]

- 25.22 The report further stated: “Despite the guarantees of freedom of expression and press freedom provided in Article 39 of the Interim National Constitution (approved in 2005), press censorship and restrictions on Sudanese media increased in September and October, with security officials resuming pre-print inspections of editions and, in some cases, banning editions altogether.” [19p]

- 25.23 The report added that:

“Human rights activists continue to face harassment or mistreatment in Sudan. Individuals or organizations raising concerns about the humanitarian or human rights situation in Darfur did so in an atmosphere of increasing intimidation, with Sudanese officials making threatening accusations in the pro-government press. Security forces stormed a meeting of Sudanese and international human rights activists during the January 2006 African Union summit in Khartoum, detaining the group for hours and confiscating personal belongings. Staff working for the Sudanese Organization against Torture and other non-governmental organizations were repeatedly arbitrarily detained and questioned by government security agencies in Darfur.” [19p]

- 25.24 AI in its annual report for 2007 reported that freedoms of expression and association were on-going. Journalists were constantly arrested and newspapers censored and seized.

“A meeting of national and international NGOs in advance of the African Union summit in Khartoum in January, attended by AI delegates, was raided by National Security agents. Three of the participants were briefly detained. In February, five members of the nongovernmental Sudan Social Development Organization (SUDO) were detained for several hours after they held a training session in human rights monitoring in al-Da’ein University in South Darfur. Abdallah Abu Obeida, a correspondent for Al-Ra’y al-‘Amm newspaper, was detained incommunicado for two weeks in October.” [16av]

- 25.25 The report added that human rights defenders were harassed and occasionally detained. “Mossaad Mohammed Ali and Adam Mohammed Sharif, two human rights lawyers, were briefly detained in May. They were working with the non-governmental Amal Centre, which provides legal aid and rehabilitation for torture victims. Adam Mohammed Sharif was freed the following day, but Mossaad Mohammed Ali was held for five days before being released after worldwide protests. They were not charged and no reason was given for their detention.” [16av]

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INTERNALLY DISPLACED PEOPLE (IDPs)

- 26.01 The Norwegian Refugee Council's Global IDP Project published its latest detailed analysis of the IDP situation in Sudan, 'Profile of Internal Displacement: Sudan' (NRC Profile), on 29 October 2005:

"The civil war[s] in Sudan have generated the largest internally displacement population in the world ever during the past two decades. Most IDPs are not sheltered in camps which makes it harder to monitor numbers. Despite the scale of the problem, no systematic mechanisms to monitor population movements has [sic] been set up in the country and most figures are estimates and projections. As of October 2005, there was no official consensus on the overall figure of IDPs in Sudan. With these reservations in mind and based on UN statistics from July and August 2005, there are an estimated 5 355 000 IDPs as of August 2005." [48a] (p46)

Region/Area	Number of IDPs
Khartoum	2 000 000
Northern	200 000
Red Sea	277 000
Kassala	76 000
Gedaref	42 000
Sennar	60 000
Blue Nile (North & South)	235 000
White Nile	110 000
Upper Nile (Malakal)	95 000
West Kordofan	107 000
South Kordofan	82 000
Unity	135 000
Bahr el Ghazal (Wau/Aweil)	210 000
Eastern Equatoria (Juba/Lafon/Torit/Budi/Kapeota)	26 000
Western Equatoria (Ezo/Tambura)	No figures available
Jonglei	No figures available
Greater Darfur (North, South and West)	1 800 000
TOTAL	5 355 000

[48] (p46)

- 26.02 The IOM reported on its website a scheme designed to assist returning Sudanese to meet critical gaps in knowledge and skills following their return to the country, entitled the Return and Reintegration of Qualified Sudanese (RQS) programme. "With funding from the Government of Denmark, IOM's RQS programme assists Sudan to meet critical gaps in knowledge and skills by identifying educated, trained, and experienced Sudanese living outside of Sudan who are committed to returning to Sudan to contribute to the country's development and prosperity. RQS selects and helps to return qualified Sudanese with the skills and expertise that are most needed in Sudan. RQS participants return to fill a long term job vacancy or to undertake a short term consulting or teaching assignment. RQS also assists entrepreneurial Sudanese to return to self employment in Sudan." [79d]

- 26.03 Internal Displacement Monitoring Centre (IDMC) reported on 17 August 2006 that:

“More than one year after the signing of a Comprehensive Peace Agreement (CPA) which ended 21 years of civil war between the central government and the southern based Sudan People’s Liberation Movement/Army, there are still an estimated five million internally displaced people in Sudan, including 1.8 million from the separate conflict in the western Darfur region. The CPA paved the way for the return of those uprooted from their homes in the south. The over whelming majority of the estimated 1 to 1.2 million IDPs who have returned since the signing of the CPA have done so without support from the international community. An institutional framework to support the return and reintegration of the IDPs and refugees has been put in place, but remains largely unused as lack of infrastructure and livelihood opportunities, as well as the presence of mines and insecurity have prevented the UN from promoting the large-scale return of IDPs and refugees. Some two million IDPs from the south reside in the capital, Khartoum, where they are exposed to forced relocations within the city as part of a government urbanisation programme.” [48b]

26.04 The report also stated:

“The CPA did not include other rebel groups and left many local grievances unresolved. These have already led to renewed conflict in the south as well as in other parts of the country. In Darfur, an armed rebellion by local groups against the central government has been met by a brutal scorched-earth counter-insurgency campaign. The conflict has lasted for more than three years and caused hundreds of thousands of deaths, the internal displacement of 1.8 million people, and an outflow of more than 200,000 refugees to neighbouring Chad.” [48b]

26.05 The Norwegian Refugee Council (NRC) reported on 12 July 2007 regarding the number of Sudanese IDPs.

“As the violence in Darfur continues, the scale of the crisis facing people displaced by conflict in the neighbouring regions of Chad is only now becoming clear. Recent estimates suggest that around 170,000 people have been forced to flee their homes, including more than 120,000 during the last seven months alone, and a report released today by the Norwegian Refugee Council’s Internal Displacement Monitoring Centre (IDMC) describes how a combination of factors has left them vulnerable to attack from all sides, and increasingly deprived of access to food, water and healthcare.” [48c]

26.06 The report added:

“Though cross border attacks attributed to Sudanese Janjaweed militias continue, the government of Chad has been more concerned with quelling internal dissent, and has withdrawn army units from the affected eastern regions. ‘The government has an obligation to ensure security and address the root causes of the inter-ethnic violence, to ensure that the displaced people can return to their areas of origin,’ said the Norwegian Refugee Council’s Secretary General Tomas Colin Archer.” [48c]

26.07 Likewise IDMC also reported on 11 July that:

“Over the last two years, an estimated 172,600 people have been internally displaced in the south eastern regions of Chad bordering Sudan’s Darfur, including more than 120,000 within the last seven months. They have been displaced by a combination of armed conflict between the government and rebel groups, cross border raids by militias from neighbouring Sudan, and increasing inter-communal violence. The internal displacement crisis worsened from mid 2006 as, in response to increasing attacks from Chadian rebel movements, the government withdrew the Armée Nationale du Tchad (Chadian National Army, ANT) from south eastern areas to other more strategic points. This led to a security vacuum along the border with Darfur in which (mainly non-Arab) civilians and villages have been subjected to continuous cross border attacks attributed to armed militia groups known as Janjaweed. These factors have combined to encourage and trigger inter-ethnic violence and banditry that has forced people to flee, including Arab Chadians who started to be subject to attacks. The increasing militarisation of communities and the ongoing military recruitment (including of children) in IDP sites adds to the overall deterioration in the security situation.” [48d]

26.09 USSD report for 2006 reported that:

“There were estimates that up to five million persons had been displaced due to the north-south civil war. The UN estimated that at least two million persons had been displaced by the conflict in Darfur and that another 234,000 had fled to Chad. Despite the signing of the DPA on May 5, continued attacks and violence in Darfur, perpetrated by all parties to the conflict, has resulted in tens of thousands of new displacements, and some existing IDPs have been displaced for the second or third time. The UN estimated that the number of IDPs increased by approximately 125,000 between July and September due to increased fighting and insecurity. On November 23, the UN reported that renewed fighting in South Darfur resulted in the displacement of between 10,000 to 16,000 persons from the areas of Seleah, Muhajeria, Motowred, and Ngabo. Darfur IDPs did not return in any significant numbers to their place of origin, although small scale spontaneous returns to certain villages occurred. Hundreds of thousands of persons, largely southerners and westerners displaced by famine and civil war, continued to live in squatter slums around Khartoum.” [3a] (Section 2d)

26.10 IRIN News reported on 1 August 2006 that:

“Violent clashes between Sudanese government forces, allied militias and rebel groups have displaced 25,000 civilians in North Darfur State, United Nations officials said....’Over the past three weeks, we estimate that more than 25,000 people have been displaced in North Darfur, 18,000 of whom have newly arrived in various IDP [internally displaced persons] camps,’ Turid Laegreid, head of the sub-office of the UN Office for the Coordination of Humanitarian Affairs (OCHA) for North Darfur, told IRIN. ‘Access to the local population in North Darfur is at an all-time low,’ she warned. The areas out of bounds to aid workers were increasing, she added, while there were large areas where access was restricted. ... ‘We have seen increased attacks against civilians including the killing of civilians. They are mostly beaten, forced to leave their villages, and then cannot move freely, even while they flee’, Laegreid said.” [10bt]

- 26.11 HRW reported in September 2007 that: "In July 2007 the UN Office for the Coordination of Humanitarian Affairs (OCHA) recorded that 160,000 people had been newly displaced since January 2007, putting the total number of displaced at 2.2 million and the total number of people receiving relief assistance at 4.2 million, nearly two-thirds of Darfur's population. OCHA reported that many of Darfur's IDP camps can no longer absorb new arrivals." [19r]
- 26.12 The report added:
- "Beyond direct attacks on civilians, the confused nature of the recent hostilities with inter tribal fighting and groups switching sides has contributed to the displacement of civilians. Yet in July and August 2007 government officials told international agency staffers based in Darfur that Darfur's 2.2 million internally displaced persons were beginning to return home and the international community should cooperate. But what the government described as 'voluntary returns' were in fact only brief excursions out of the camps on market days or during the farming season. Few displaced persons left the camps for more than a few days and even fewer returned permanently to their villages. One person working with displaced people in Darfur described the government's discussion of voluntary return as 'smoke and mirrors'. Another noted that last year the government tried to convince the relief community that its assistance to the camps was not needed because people were ready to go home. 'Women want to go home, but can't', she told Human Rights Watch. 'They sit in the camps and sing songs about their villages and draw pictures of their crops and flowers'." [19r]
- 26.13 The IOM reported on 20 April 2007 regarding the assistance the organisation is providing in the return of internally displaced people to south Sudan, stating: "Although IOM operations to help voluntarily return thousands of internally displaced people (IDPs) to South Sudan are in full swing, early rains across most of the South are heralding the imminent arrival of the rainy season which will soon stop all road returns until late this year. More than 29,600 IDPs have been helped by IOM to return to South Kordofan and south Sudan since February with transport assistance, medical screening, overnight accommodation en route and escorts." [79b] Furthermore, "Five major convoy routes are currently being used to get IDPs back to home communities from Khartoum, South Darfur and within South Sudan to South Kordofan, Unity, Northern Bahr el Ghazal, Western Bahr el Ghazal, Central and Western Equatoria and Warrap States. ... The returns, part of a joint organized return programme coordinated by the Government of National Unity and the Government of South Sudan, the United Nations and IOM, aim to assist 198,000 IDPs and 102,000 refugees this year." [79b]
- 26.14 The IOM reported in its migration initiatives appeal 2007 that:
- "The peace and stability established in the wake of the 2005 Comprehensive Peace Agreement continues to motivate thousands of spontaneous returns throughout much of Sudan. In 2007, IOM will continue to ensure the safe, voluntary and dignified return of IDPs. IOM has provided support to spontaneous return movements from north to south Sudan through a variety of activities such as transportation assistance, tracking and monitoring, construction and management of way-stations, information campaigns, etc. Among other accomplishments, IOM has tracked and monitored over 90,000

returnees and provided transportation assistance to over 17,000, including emergency transportation assistance to 5,500 stranded spontaneous returnees. Nonetheless, increased violence in Darfur continues to displace thousands of individuals and prevent the return of millions throughout the region, despite the signing of the Darfur Peace Agreement. In the last year, IOM's Verification and Monitoring Unit in Darfur verified 36,775 IDP relocations, 6,475 IDP returns and 1,973 refugee returns to ensure that movements were voluntary and conducted in safety and dignity." [79c]

- 26.15 The International Rescue Committee (IRC) reported on 29 August 2007 that to date, the organisation has assisted some 17,500 people affected by devastating seasonal rains in North and East Sudan. "Since the response began in early July, the IRC has distributed over 1,100 sacks used in the first line of flood defense [sic], 120 pieces of digging tools, 10 tents and 550 kits with plastic sheets, blankets and other essential items. The IRC has also donated large quantities of insecticide and medical equipment to the Sudanese Ministry of Health in its effort to fight any outbreaks of disease. The floods, which have affected the states of Kassala, Red Sea, Blue Nile, and Southern Kordofan, have left thousands of people homeless, have submerged villages and caused immense damage to infrastructure, including roads and bridges." [33a]
- 26.16 IRIN, accessed on 14 May 2007 reported that:
- "To the north of Khartoum, 'El Salaam' – or 'Peace' – camp houses approximately 120,000 residents, while Wad El Bashir camp hosts 75,000. There are nearly 900,000 IDPs living in four IDP-designated camps and 15 squatter areas around Khartoum. OCHA estimated that the total number of Khartoum IDPs could be 1.8 million, some of who were integrated into host communities." [10ez]
- 26.17 UNICEF, reported in its 2007 Children's Appeal report that: "Around 2 million people are internally displaced, half of whom are children. In the last six months alone, 250,000 people have been newly displaced. As more communities become affected, access to them becomes more difficult due to insecurity, with the delivery of assistance to the most vulnerable being compromised." [40d]
- 26.18 The UN Secretary General's (UN SG) Report of 24 December 2007 noted that:
- "The humanitarian situation in Darfur continues to be volatile. In October alone, more than 20,000 civilians were displaced by armed clashes between Government forces and non-signatories to the Darfur Peace Agreement and among Darfur movements themselves, bringing the total number of people displaced in 2007 to almost 270,000. September health statistics from one health clinic in Southern Darfur showed a very high rate of sexually transmitted infections following attacks and fighting in August, with 183 cases reported to have been treated, including 40 cases in children under five." [65b](p6)
- 26.19 IDMC's IDP news alert on 31 January 2008 noted:

“Amnesty International (AI) has warned of a generation of Darfuris growing up in extreme fear and insecurity, and subject to forced recruitment, in IDP camps awash with weapons. ‘Almost all of the camps in Darfur are flooded with weapons. The security situation in and outside of the camps continues to deteriorate’, said Tawanda Hondora, Deputy Director of AI’s Africa Programme. Meanwhile, the UN Secretary-General’s [sic] report on children in armed conflict has described how “in Darfur, rape is a method of warfare used by armed groups to deliberately humiliate and to force displacement of girls and their families.” [48f]

WEST SUDAN (DARFUR)

- 26.20 Humanitarian access was improved by greater government co-operation, prompted by the international attention the crisis had received but, as reported by USSD report, the British Broadcasting Corporation (BBC) and IRIN, the provision of humanitarian aid was still subject to frequent disruptions by government forces, rebel groups and the continuing insecurity in the region – including the Chadian rebel infiltration into Darfur in late 2005 – during 2004, 2005 and 2006. [3a] [9ab-9ai] [10bl, 10ca-10ck]
- 26.21 In UN Secretary-General's monthly Report on Darfur, 30 January 2006, he stated:
- “I [the UN SG] once again commend the 14,000 aid workers who make up the humanitarian community in Darfur for their ability to deliver essential assistance to more than 3 million affected people under such difficult conditions and to respond effectively to new emergencies. As I indicated in my report on Darfur for the month of October (S/2005/719), malnutrition and mortality rates have dropped significantly since 2004. However, with the ongoing displacement of people as a result of militia attacks, the humanitarian community faces an uphill struggle. Surveys show that outlying villages and rural areas continue to suffer from high malnutrition rates, despite the fact that crops are being harvested.” [6u] (p4)
- 26.22 In His January 2006 report, the UN Secretary General (UN SG) stated that: “December [2005] witnessed a continuation of very high levels of violence and insecurity in Darfur, including banditry, the new round of militia attacks on villages and camps for internally displaced persons, intensive Government combat operations and the deliberate destruction of significant areas of farmland. In addition, the rapid deterioration of the situation along the Chad-Sudan border and concern about a possible conflict between those two neighbouring countries have further exacerbated the climate of insecurity.” [6u] (p1)
- 26.23 The UN Secretary General's January 2006 Report remarks that:
- “It is regrettable that significant returns of displaced persons to their homes now seem unlikely to take place in early 2006, when preparations for the next harvest season are due to start. In the best case scenario, the almost 1.8 million internally displaced persons currently residing in camps will remain in their temporary settlements for the foreseeable future. If the violence continues, their numbers may dramatically swell over the next months.” [6u] (p4)

26.24 IRIN News reported on 1 February 2006 that:

“An estimated 70,000 people have been displaced by recent attacks on two towns in the war-ravaged Sudanese state of South Darfur, humanitarian workers in the region said. At least 50,000 were displaced in a series of attacks on camps for internally displaced people [IDPs] in Mershing town, while more than 15,000 were displaced in separate attacks on nearby Shearia.

‘Roughly 20,000 residents and up to 35,000 IDPs from Mershing have arrived in [the nearby town of] Menawashi,’ said Dawn Blalock, spokeswoman for the United Nations Office for the Coordination of Humanitarian Affairs (OCHA) in Sudan, on Wednesday. The first attack occurred on 24 January, when Arab militia attacked Mershing – approximately 80 km north of the state capital, Nyala. They looted the central market as well as the houses and shelters of town residents and IDPs.” [10cw]

26.25 IRC placed on its website on 14 February 2007, a photo-essay of Sudanese children who have fled the Darfur conflict with their families. With footnotes stating: “they arrive daily at displaced persons camps; they come from different villages; some have been attacked.” [33d]

26.26 ICRC reported on 22 March 2007, its plans to step up aid to displaced people in Darfur. The report stated that the ICRC is approaching international donors to cover an increase of 32 million Swiss francs in its budget for Darfur. “The move comes in response to the urgent needs of the residents of Gereida camp. The extension will boost to 105 million francs the overall ICRC budget for Sudan in 2007, which was already the ICRC’s largest in the world.” [22g]

26.27 The report stated further:

“All over Darfur, poor security conditions are seriously limiting the delivery of sorely needed humanitarian aid. A serious security incident in Gereida in December forced the majority of non-governmental organizations working there to leave the area. ‘Over 120 thousand people are stranded in the camp, in urgent need of food, water, health care, sanitation and waste disposal,’ says Jacques de Maio, head of ICRC operations in the Horn of Africa. “[22g]

26.28 Furthermore:

“The ICRC has taken action to ensure that camp residents have adequate food, hygiene and safe water. Feeding centres for under- and malnourished children will be run in partnership with the British Red Cross and Australian Red Cross. Furthermore, the ICRC has been present in Sudan for the past 29 years, and today has over 160 expatriates and over 1,900 locally recruited staff working in various regions of the country.” [22g]

26.29 IRIN News accessed 15 May 2007 reported that:

“Hundreds of thousands of people have been forcibly displaced from their homes as a result of actions by the Janjawid, government forces and rebel groups. The UN estimates that there are now two million internally displaced people in Darfur who have fled from their burnt villages and taken refuge within Darfur, mostly in towns and camps, often in very poor conditions, while more than 200,000 have crossed the border into Chad.” [10fc]

26.30 UN News reported the following on 15 March 2007:

“With camps for displaced persons in Sudan’s war-torn Darfur region bursting at the seams, sometimes with 50,000 to 100,000 people apiece, it is more vital than ever to reach a settlement to a conflict that has already killed over 200,000 people and uprooted 2.5 million more, according to the United Nations Children’s Fund (UNICEF).” [9bd]

26.31 The report stated further that: “It’s absolutely critical that this happens now because we simply cannot absorb any more displaced. UNICEF country representative Ted Chaiban said on his return from a visit to the region. ‘The solution is for the peace process to get back on track. It’s been very difficult for humanitarian workers in Darfur. I think we should be very proud that we’ve held the line, that we’ve kept malnutrition levels down and mortality levels down, that we’ve been able to vaccinate so many children and that we’ve been able to get children in to school in the camps’.” [9bd] The report added that the civil war uprooted some 4.5 million people overall, most of them within the country, but some 500,000 are estimated to have taken refuge in neighbouring countries. [9bd]

26.32 UNAID in its monthly update for January - February 2007 reported that the organisation’s partners have been working to meet the needs of an influx of newly displaced families who were forced to leave their homes after a recent spate of attacks on their villages, north of El Geneina, West Darfur since early 2007. “We had to flee because we were beaten, said one new arrival. We left everything behind, and had to walk for two days to reach here. We hope that here at least we will be safe. ... Over the last two months, an estimated 2,500 newly displaced people have arrived in Ardamata camp, and another 1,500 in Durti camp. Having left their homes with few belongings during the peak of the cold season, several spent their nights huddled inside rough shelters made of leaves and grass, without sheets or blankets to protect them from the elements. Some were hurt while fleeing their villages and their injuries had gone untreated. All needed clean water.” [3i]

26.33 IRIN News reported on 18 September 2007 that:

“Violence in Sudan’s remote western region of Darfur has forced nearly a quarter of a million people to flee their homes this year, increasing the pressure on the humanitarian effort, the United Nations said in a report. The International Committee of the Red Cross (ICRC) also expressed concern over worsening security conditions in Darfur. ‘Over 240,000 people have been newly displaced or re-displaced during 2007’, according to the report prepared by the UN Office for the Coordination of Humanitarian Affairs (OCHA), in collaboration with partner UN agencies and NGOs. Thousands of people were fleeing their homes each week, the report added. It came as the Sudanese government and Darfur rebels prepare for peace talks next month aimed at ending more than four years of conflict that has claimed an estimated 200,000 lives and displaced some two million people from their homes.” [10bc]

26.34 The report added:

“The UN said the insecurity was complicating efforts to respond to the needs of the new internally displaced persons (IDPs) and the delivery of assistance to millions of people depending on aid. ‘During August, the humanitarian

situation in Darfur has deteriorated,' said the report, the Sudan Humanitarian Overview ... attacks against humanitarian staff continued throughout the month. 'Seven humanitarian vehicles were hijacked or stolen, and four humanitarian convoys were attacked,' the UN said. 'Five humanitarians were kidnapped or abducted, and three were physically assaulted,' it added. 'Many areas of Darfur still remain a hostile environment for relief efforts,' the report said." [10bc]

- 26.35 Médecins Sans Frontières reported on 29 January 2007 that since late December 2006, new attacks in West Darfur, have destroyed several villages and have led to the displacement of thousands of people. Displaced persons have found refuge in Ardamata and Dorti camps, situated on the outskirts of El Geneina, the capital of west Darfur, while other people remain blocked further north in Tanjeke. [41b]

"While some 750 families-more than 5,000 persons-have so far been able to reach the Ardamata and Dorti camps, numerous others have been left behind and remain at the mercy of armed groups still active in the region. In the village of Tanjeke, located 30 km north of El Geneina, at least one thousand families are gathered in small, individual shelters made of grass and leaves that lack adequate roofs. The displaced persons also lack water and soon will be in need of food. People are mostly coming from the camps of Artega and Kouta and are on the run for the second time in less than three years." 41b]

- 26.36 The report added: "Meanwhile, in El Geneina, displaced persons continue to arrive in small groups, mostly at night due to the risk of attacks on the roads. There are many reports of acts of violence perpetrated against villagers. In Ardamata camp, MSF has set up a mobile medical unit to screen new arrivals, and more than 500 people have been treated." [41b]

- 26.37 A report by Amnesty International on 22 January 2008 stated that the security situation for IDPs is on a knife-edge as the UN forces end their third week of operations; warning that a generation of Darfuris is growing up in extreme fear and insecurity in camps flooded with weapons, "a potentially explosive combination." [16ah]

- 26.38 The report added that:

"A generation of anger outlines the current state of insecurity in camps for internally displaced people (IDPs) in Darfur and the potential consequences and possible remedies. 'Almost all of the camps in Darfur are flooded with weapons. The security situation in and outside of the camps continues to deteriorate, as hopes of a political resolution to the Darfur conflict recede and hostilities between the government and armed groups continues to escalate'. said Tawanda Hondora, Deputy Director of Amnesty International's Africa Programme." [16ah]

- 26.39 Furthermore: " 'The welfare of displaced people continues to be ignored while armed groups and the government bicker and impede the complete deployment of UNAMID forces [UN forces in Darfur]. There can be no durable peace without ensuring that the security and human rights of these people are respected and upheld'." [16ah]

- 26.40 Internally Displacement Monitoring Centre (IDMC), reported on 12 October 2007 that the outlook for IDPs remained bleak.

“In western Sudan’s Darfur region, ongoing conflict has caused 2.2 million people to be internally displaced since 2003, including almost 250,000 since the beginning of 2007. The conflict has also forced more than 300,000 people into neighbouring countries, in particular Chad. Several hundreds of thousands of civilians have died in what has been described as ‘the world’s worst humanitarian crisis’. Following concerted international pressure the central government has accepted the deployment of a 26,000-strong United Nations/African Union military force mandated to protect the civilian population.” [48e]

- 26.41 Adding that: “The overall IDP figures in Sudan, particularly outside Darfur, are unreliable and there are few mechanisms to identify the specific forced migration patterns and protection needs of IDPs who are returning without the support of state institutions or international organisations. However the total is widely believed to be at least 4.5 million, making Sudan’s IDP crisis the largest in the world.” [48e]

SOUTH SUDAN

- 26.42 In connection with the north-south conflict, the International Committee of the Red Cross’ (ICRC’s) Annual Report, 2006 stated that: “Around 4 million people were affected by the conflict in Darfur, about half of whom were IDPs living in camps or host communities.” [22c] (p134) Also that: “IDPs in Gereida, South Darfur, continued to receive monthly food rations, which the ICRC had been providing since the camp’s establishment in July 2004.” [22c] (p135)

- 26.43 On 4 April 2007, ICRC reported that its president, Jakob Kellenberger, had called for improved security in Darfur and explained why the organization has had to resume a wider range of assistance activities on behalf of those living in the camp for displaced people in Gereida. [22f] The president recounted: “During my recent visit to Gereida camp in South Darfur, where over 120,000 displaced people are living in flimsy makeshift shelters, I was struck by the resilience of the women who are caring for their families in such difficult conditions. Their ability to gather all the elements needed to survive – enough food, clean water, basic hygiene and health care – in a vast, untidy settlement of sticks and sheeting was impressive. They build a life out of the emergency goods and services provided to them by humanitarian agencies. ‘... violations are still being committed on all sides. It is high time that they stop. (...) the rules of International Humanitarian Law must be respected by all’.” [22f]

- 26.44 The report added that “Gereida’s ragged shelters are an illustration of the tragedy that has struck the population of Darfur.” [22f] Further noting that “... there are similar smaller camps scattered across all three Darfuri States, crammed with people with the risk of them increasing in numbers should the ongoing widespread violence continue or get worse. The report noted that the primary responsibility for protecting the population lies with a country’s government. But in times of armed conflict International Humanitarian Law obligates all parties to respect its rules. Each party must in particular distinguish between the civilian population and combatants, and no party may ever directly or indiscriminately attack civilians.” [22f]

- 26.45 IRIN, accessed on 14 May 2007 reported about the long journey home for a number of women who were returning to Sudan as life in IDP camps. "At dawn every morning, a number of women leave Mayo-Madela internally displaced persons (IDPs) camp in search of odd jobs within the Sudanese capital, Khartoum. The majority of the women are Dinka IDPs from the Nuba Mountains in South Kordofan state, some living in the camp for the past 20 years." [10ez]
- 26.46 The report further stated:
- " 'The situation has become much harder, especially for the most vulnerable groups, resulting in an increased willingness of many to return [to their homes]', Ann Kristin Brunborg, programme coordinator of the sustainable returns team at the UN Office for the Coordination of Humanitarian Affairs (OCHA) in Khartoum, told IRIN on 13 December. 'They just can't stand it anymore'." [10ez]
- 26.47 The report continued:
- "Karak Mayik Nyok, executive director of a local NGO, the Friendship Agency for Community Training (FACT), said the wish to return to the Nuba Mountains area had increased with the end of the rainy season and a decrease in fighting in the south. Many IDPs were affected by recent demolitions of their homes. Quite a number have already decided to return to their southern roots. Every other week, a bus carrying returnees' roars down from Khartoum headed for the Nuba Mountains." [10ez]
- 26.48 The report further stated:
- "According to OCHA, an estimated 360,000 IDPs had returned to the southern areas during 2004, the majority coming from the Khartoum area. They have returned to places such as Kosti, Bentiu, Juba and Malakal. Mayo is one of the major IDP camps around Khartoum – the others are El Salaam and Wad El Bashir, near Omdurman in the north. In the camp, one-story, mud-brick structures stretch in every direction, as far as the eye can see. The camps house hundreds of thousands of people, primarily displaced from war-torn southern Sudan, but also from Darfur and refugees from Chad, Ethiopia, Eritrea and Uganda, Maghoub Mostafa, protection officer for the UN refugee agency, UNHCR, told IRIN on 16 November in Khartoum." [10ez]
- 26.49 Also that "Between 100,000 and 200,000 people are estimated to live in Mayo camp, including 14,000 households with an average of six persons per family, according to figures provided by the Mayo Public Committee, which registers IDPs in the camp." [10ez]
- 26.50 UN News reported on 27 April 2007 the following statement by the UNHCR "In southern Sudan, UNHCR is assisting the return home of millions of refugees and internally displaced persons (IDPs) following the signing of a comprehensive peace agreement in early 2005 ending the long-running civil war between north and south." [6aq]
- 26.51 While UNHCR reported on 13 February 2007 that: "The organised return of internally displaced people (IDPs) in south-eastern Sudan's Blue Nile State

back to their home villages in the southern part of the state is gathering momentum. Eight convoys have brought 747 people home since January 23. The latest was yesterday [12 February 2007]. Two more convoys are scheduled for this week.” [65g]

26.52 The report further stated that:

“UNHCR is coordinating the return, reintegration and protection of IDPs in Blue Nile. Blue Nile State is also an area of return for Sudanese refugees in neighbouring Ethiopia. Within Blue Nile State, an estimated 165,000 people have been internally displaced during two decades of unrest. UNHCR plans to coordinate the return of some 15,000 IDPs this year, following an agreement signed last year by the Government of South Sudan, the Government of National Unity and the UN. The IDP returns are carried out jointly with IOM, which provides transportation, with WFP, with the government and with other partners.” [65g]

26.53 The report added that “Blue Nile State is also a return destination for Sudanese refugees from camps in Ethiopia. More than 4,700 have returned so far. There are still some 67,000 Sudanese refugees in five Ethiopian camps. In all, there are 4 million internally displaced southern Sudanese, including 1.8 million in the Khartoum area.” [65g]

26.54 In southern Sudan, around 140,000 internally displaced people (IDPs) returned to their homes in the first six months of 2007, adding to more than one million IDPs estimated to have returned since the 2005 Comprehensive Peace Agreement (CPA) between the central government and the southern-based Sudan People’s Liberation Movement/Army. The CPA marked the end of the 20-year civil war estimated to have caused the death of up to two million people and the internal displacement of up to four million. Despite improved security, a number of unfulfilled provisions, such as the withdrawal of central government troops from a contested oil-rich border area, may still lead to renewed war and displacement.

RETURNING IDPs

26.55 The NRC Profile of October 2005 reported that:

“In Sudan, the challenges for the post conflict return and reintegration of refugees and internally displaced persons are enormous and the task at hand is beyond any single agency’s capability. The lack of capacity in the country is evident at all levels and in all sectors. In a politically fragile environment, typical of post conflict situations, returnees and their communities must not be left in deprived conditions for extended periods of time without means and opportunities for the future, in particular with regard to protection, basic services and livelihoods. Many may opt to return to their countries of asylum or become internally displaced persons again. This phenomenon of backflows is often witnessed in repatriation operations when return and reintegration are not sustainable due to the lack of adequate financial commitment.” [48] (p127)

26.56 A February 2005 IRIN news report recorded that the worsening conditions for IDPs in Khartoum may have been a contributing factor to the number of IDPs who had already returned to the south. [10cq] The report stated that: “According to OCHA [UN Office for the Coordination of Humanitarian Affairs],

an estimated 360,000 IDPs had returned to the southern areas during 2004, the majority coming from the Khartoum area. They have returned to places such as Kosti, Bentiu, Juba and Malakal.” [10cq] However, IRIN reported during 2004 and 2005 that it has not always been safe for those returning, citing continuing insecurity in some areas of the south including the threat of harassment, taxation, severe hunger, banditry and sexual abuse, which some IDPs have experienced whilst returning home. [10cr-10cu, 10cq]

- 26.57 The UN SG reported in December 2005 that: “In 2005 there have been over 500,000 spontaneous returns in the Sudan. As expected, returnee figures fell significantly around the beginning of the rainy season but began to rise again by September. The United Nations is producing and disseminating fact sheets in English, Juba-Arabic and standard Arabic to potential returnees to provide them with an accurate picture of the situation they will face upon return.” [6c] (p11) In February 2006, IRIN reported that approximately 4,800 Dinka IDPs had begun to return from Maridi, Western Equatoria to Bor in Jonglei state, and that a further 4,600 would be assisted to return from Yei. The second group had fled to Yei, Bahr el-Jabal (Central Equatoria) due to inter-ethnic fighting in Western Equatoria during December 2005. [10ec]
- 26.58 On 2 October 2006, IRIN News reported that: “Efforts to resettle IDP’s in Southern Sudan as the region is recovering after a 19 year war ended in 2005 when the Sudan People’s Liberation Army/Movement (SPLA/M) signed an agreement with the government of Sudan. Most of those displaced are women and children, some of whom have known no other life apart from IDP camps.” [10ed]
- 26.59 ReliefWeb reported on 28 August 2007 that the UNHCR has assisted over 66,000 refugees to return home to Southern Sudan and the three Areas, through organized and assisted voluntary repatriation movements since 2005. [68k] “Since 1 January [2007], 36,490 refugees have received assistance to return to the Sudan from the Central African Republic (CAR), the Democratic Republic of the Congo (DRC), Egypt, Eritrea, Ethiopia, Kenya, Libya, and Uganda. The UNHCR expects that by the end of 2007, a total of 102,000 persons will have returned from the countries of asylum during the year. Furthermore: Since the beginning of 2007, 248,414 persons have been newly displaced or re-displaced in Darfur. Over 78% of these movements appears attributable to activities by armed groups, while the remainder is attributable to inter-tribal fighting.” [68k] The UNHCR added that the total of IDPs in Darfur is now over 2.2 million. [68k]
- 26.60 The IRC reported on 11 September 2007 that after two years, the IRC has completed a highly successful program that has helped thousands of South Sudanese living in refugee camps prepare for their return home. “The ‘return and reintegration program’ provided refugees returning from camps in Kenya, Ethiopia and Uganda with civic and vocational training and helped rebuild infrastructure in South Sudan. Following a landmark peace agreement in 2005 that ended the 21 year war in South Sudan, over 150,000 people have returned to devastated villages from exile in neighbouring countries. Nearly 300,000 people are still living in camps in Kenya, Ethiopia and Uganda. ‘One of the most important parts of the program has been to help those still living in the camps to make an informed choice about returning and to prepare them for their journey home’, explained Erica DePiero, the IRC’s regional returns advisor. Over the past two years, more than 3,500 people received vocational

training, 10,000 people received civic education training and 1,200 adults attended basic math and literacy classes, DePiero said.” [33f]

- 26.61 IDMC reported the following on 12 October 2007 regarding returning IDPs in southern Sudan.

“In southern Sudan, around 140,000 internally displaced people (IDPs) returned to their homes in the first six months of 2007, adding to more than one million IDPs estimated to have returned since the 2005 Comprehensive Peace Agreement (CPA) between the central government and the southern-based Sudan People’s Liberation Movement/Army. The CPA marked the end of the 20-year civil war estimated to have caused the death of up to two million people and the internal displacement of up to four million. Despite improved security, a number of unfulfilled provisions, such as the withdrawal of central government troops from a contested oil-rich border area, may still lead to renewed war and displacement.” [48e]

FOREIGN REFUGEES

- 26.62 USSD report for 2006 noted that:

“The law provides for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, but the government has not established a system for providing protection to refugees. In practice the government generally provided protection against *refoulement*, the forced return of persons to a country where they feared persecution.” [3a] (Section 2d)

- 26.63 The report added:

“However, some asylees [sic] were returned to their home countries before a formal determination of their status could be made. On May 11, the NISS forced the deportation of four Ethiopians who were seeking asylum in the country. The four refugees were members of the Coalition for Unity and Democracy, an Ethiopian opposition group, and faced prosecution for treason and the death penalty in Ethiopia. Although the immigration office attempted to delay the deportation proceedings, the NISS proceeded with the move before the refugees could be interviewed by UNHCR or the Sudan Commission on Refugees.” [3a] (Section 2d)

- 26.64 The report continued “The government also granted refugee status or asylum, but there was no standard determination procedure, and government officials reportedly were unresponsive to applications for refugee status and provided temporary protection to individuals who might not qualify as refugees under the 1951 convention/1967 protocol but no statistics were available for the year.” And also that: “The government cooperated with the UNHCR and other humanitarian assistance organizations in assisting refugees and asylum seekers.” [3a] (Section 2d)

- 26.65 And added further that:

“Child refugees did not receive free primary school education nor were they treated as citizens as required by the UN convention. Refugees were vulnerable to arbitrary arrests, harassment, and beatings because applicants

did not receive identification cards while awaiting government determination of refugee status. Refugees could not become resident aliens or citizens, regardless of their length of stay. Refugees were not entitled to work permits.”
[3a] (Section 2d)

- 26.66 According to the United States Committee for Refugees and Immigrants’ (USCRI) World Report 2005, 225,900 refugees from other countries lived in Sudan at year’s end, including some 191,000 from Eritrea, 15,000 from Ethiopia and about 7,900 from Uganda. [50a] (p32)
- 26.67 USCRI’s world report for 2005 commented that: “Officials commonly detained, beat, and extorted bribes from refugees and immigrants unable to produce valid documents. The National Security Department, known to practice secret detention and torture, reportedly detained refugees without notifying UNHCR. The Asylum Act authorized detention of refugees ‘if found necessary.’” [50a] (p1) The USSD report of 2006 noted that government security forces had beaten and mistreated refugees during 2006. [3a] (Section 1c)

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NON-GOVERNMENTAL ORGANISATIONS (NGOs)

27.01 USSD report for 2006 noted that:

“Various local human rights groups were active in the country, but they suffered from government harassment, particularly those groups reporting on sexual gender-based violence (SGBV). The government was generally uncooperative with and unresponsive to domestic human rights groups. Major local NGOs included the Sudan Organization Against Torture (SOAT) and Sudan Development Organization. In an effort to silence them, the government often charged human rights groups with spreading false information. For instance NGOs continued to be harassed in Darfur with the intimidation of national staff and the detention and arrests of workers treating victims of sexual violence. Government security forces often detained members of humanitarian staff under the Criminal Act, usually on charges of spreading false information.” [3a] (Section 4)

27.02 In January 2006, Amnesty International reported on the detention of national and international delegates at a non-governmental organisation (NGO) forum being held in Khartoum, which had brought together national and international NGOs, two representatives of the UN, and the European Commission (EC). “The meeting was taking place in parallel to the AU [African Union] meeting with the purpose of discussing issues regarding peace and justice in the region.” [16ai] “Following the release of all participants, two participants were contacted by phone by the political section of national security and asked to meet with security officials. Faisal al Baqir, 49 years old, a freelance journalist, member of Reporters Sans Frontieres, and associated with SOAT (Sudanese Organization Against Torture), and Dr. Nagib Najmedin, 60 years old, who was one of the chairs of the meeting, and the director of the local NGOs the Amal Centre and the Khartoum Centre for Human Rights and Environmental Development were then taken from their residences to meet Saleh al Obeid, head of the Political Section of Sudanese National Security. They were told that although nothing was wrong with the meeting ‘the timing was bad’, presumably meaning that given the sensitivities around the AU, this meeting could be inflammatory.” (AI, 23 January 2006) [16ai]

27.03 Human Rights First undated report recorded on its website by way of a table, regarding the continuing attacks on NGOs, highlighting the constant difficulties they are faced with and the enormity of the problem by demonstrating the volume of incidents and the range of difficulties faced by NGOs. “Since the beginning of 2006, there has been a significant deterioration in the conditions faced by the many Non-Governmental Organizations (NGOs) working to bring relief to the civilian population devastated by the Darfur conflict and to expose violations of human rights.” [91a]

WEST SUDAN (DARFUR)

27.04 USSD report for 2006 noted that:

“The government often resisted the heightened levels of international NGO scrutiny generated by events in Darfur. The government continued to make it difficult for international NGOs to operate in Darfur by delaying visas, holding up the clearance of equipment and supplies at customs, denying permission to

travel within the country, and harassing the humanitarian community.”
[3a] (Section 4)

27.05 The report added that:

“The government’s HAC, which regulates humanitarian efforts in the country, continued to create difficulties for NGOs operating in Darfur, requiring all NGOs to register with HAC in order to operate in the country. “On March 21 [2005], the HAC assumed a role in hiring NGO national staff, which caused major delays in hiring new staff for Darfur. HAC applied rules for NGOs inconsistently, often changing them without prior notification. An August 2005 presidential decree required international NGOs to reregister and did not provide applicants to appeal a denial.” [sic] [3a] (Section 4)

27.06 In May 2005, IRIN News reported that: “Sudanese authorities have arrested two senior officials of the medical charity Médecins Sans Frontières (MSF) over a report that claimed that hundreds of rapes had taken place in the western Sudanese region of Darfur, MSF said.” [10cx] SOAT and Amnesty International (AI) also reported on the arrests. [15a] [16i] In June 2005 all the charges against the MSF officials had been dropped. (IRIN, 20 June 2005) [10cy]

27.07 UN Secretary General’s March 2006 Report noted that:

“There have been armed hijackings of commercial and humanitarian trucks, including clearly marked vehicles of the World Food Programme. The deterioration in the security situation last December required the introduction of additional precautions by the United Nations in large parts of Western Darfur. As a result, only those United Nations aid workers responsible for urgent, life-saving needs (emergency food and nutrition; health; water and sanitation; shelter; and protection and human rights monitoring) remain in the restricted areas.” [6b] (p3)

27.08 The Report further noted that: “In contrast to Western Darfur, where access is limited, the situation in Northern Darfur, where aid workers have very good access throughout the state, is relatively positive.” [6b] (p4)

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CITIZENSHIP AND NATIONALITY

- 28.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 19 February 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 7 of the INC records that:
- “(1) Citizenship shall be the basis for equal rights and duties for all Sudanese;
 - (2) Every person born to a Sudanese mother or father shall have a non-alienable right to enjoy Sudanese nationality and citizenship;
 - (3) The law shall regulate citizenship and naturalization; no naturalized Sudanese shall be deprived of his /her acquired citizenship except in accordance with the law;
 - (4) A Sudanese national may acquire a nationality of another country as shall be regulated by law.” [94a] (p5)
- 28.02 A Foreign and Commonwealth Office (FCO) letter dated 24 October 2001 containing information provided by El Karib & Medani, the FCO’s advocates and the US Office of Personnel Management’s (US OPM) March 2001 document entitled Citizenship Laws of the World agreed that Sudanese nationality or citizenship is passed down paternally by descent if the child’s father is Sudanese at the time of his or her birth. [4f] (p1) [56a] (p186) Both the FCO’s letter and the OPM qualified this by stating that this applied regardless of whether the father was a Sudanese citizen by descent or naturalisation and regardless of the child’s country of birth. [4f] (p1) [56a] (p186)
- 28.03 The FCO’s letter of 2001 provided a detailed list of the conditions under which a person is considered Sudanese by descent. [4f] (p1) The US OPM March 2001 document concurred with the above and states the following in respect of the eligibility of those born in Sudan:
- “Person born on or before January 1, 1957:
Child born in the territory of Sudan whose parents had established residency in Sudan [is entitled to Sudanese citizenship].
- Person born after January 1, 1957:
Birth in the territory of Sudan does not automatically confer citizenship. The exception is a child born to unknown parents.” [56a] (p186)
- 28.04 The FCO’s letter of October 2001 continued:
- “The Minister of Interior may grant a certificate of naturalization as a Sudanese to an alien who is defined in the law as: a person who is not Sudanese, upon satisfaction to the requirement that he: is of a full age and capacity, he has been domiciled in the Sudan for a period of five years or more, he is of good character, and has not previously been convicted of a criminal offence involving moral turpitude.” [4f] (p1)
- 28.05 The October 2001 FCO letter and the OPM’s document of March 2001 also concurred over the status of non-Sudanese women who marry Sudanese nationals. [4f] (p1-2) [56a] (p186) “As to the case of immigrants they will be subject to the same rules applied to aliens, but refugees are not allowed to

apply for a certificate of naturalization for this will conflict with the laws and the International Agreements regulating the existence of refugees in Sudan.” (FCO, 24 October 2001) [4f] (p2) The FCO also provided a detailed list of the circumstances under which an immigrant might have his or her naturalisation revoked. [4f] (p2)

- 28.06 The OPM document of March 2001 records that: “Voluntary renunciation of Sudanese citizenship is permitted by law.” [56a] (p186) It also stated that Sudanese citizens could involuntarily lose their citizenship if one or more of the following applied.

Person obtains new citizenship.

Naturalised citizenship obtained through fraud or falsity.

Naturalised citizen lives abroad for more than five years, without registering.

[56a] (p186)

- 28.07 A letter from the FCO, dated 28 February 2005, confirmed that there had been no change to the law(s) governing nationality or citizenship since 2001. [4b] (p1)

CITIZENSHIP AND NATIONALITY: SOUTH SUDAN

- 28.08 The Interim Constitution of Southern Sudan (ICSS) was signed into law on 5 December 2005. (UN SG's report on the Sudan, 21 December 2005) [6c] (para 4) A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 48 of the ICSS states that:

- “(1) Every person born to a Sudanese mother or father shall have an inalienable right to enjoy Sudanese nationality and citizenship.
- (2) Citizenship is the basis of equal rights and duties for all Sudanese in Southern Sudan, subject to Article 9 (3) of this Constitution.
- (3) Every citizen in Southern Sudan shall enjoy all the rights guaranteed by this Constitution and the Interim National Constitution.
- (4) The law shall establish a public registry of every birth, marriage or death in Southern Sudan.” [94b] (p17)

- 28.09 An undated article on the Gurtong Peace Project website recorded the 29 laws of the New Sudan that were signed by the then SPLM/A Chairman, the late John Garang, on 26 June 2003, and four draft laws signed on 17 April 2004. [18a] The article also remarks that “After the signing of the peace agreement, the laws will have to change; there will be new laws which will respond to the new situation and to the future environment of cooperation and peace.” [18a] In comments submitted to the Advisory Panel on Country Information (APCI) on 8 March 2006, UNHCR stated that the New Sudan Nationality Act, 2003 was enacted and is currently in use. [6d] (p2) UNHCR also notes that “The Laws will need to be amended slightly to put them in line with the CPA which is currently done by a team of lawyers of the Ministry of legal Affairs and Constitutional Development.” [6d] (p3) The Act itself states that:

- “(1) A person born before the commencement of this Act shall be a New Sudan national by Decent [sic] if:-
 - a) (i) he was or his parents, his grand and great grand parents were born in the New Sudan; and

- (ii) he belongs to one of the tribes of the New Sudan.
- (iii) he at the coming into force of this Act is domiciled in the New Sudan and has been so domiciled since April 1994 and his ancestors in the direct male line lived before that date or have all been domiciled; or
- b) he has acquired and maintained the status of a New Sudan national by an uninterrupted domicile.
- (2) A person born after the commencement of this Act, shall be a New Sudan national by decent [sic] if his father was a New Sudan national by naturalization at the time of his birth.
- (3) A person who is or was first found as a deserted infant of unknown parents shall, until the contrary is proved, be deemed to be a New Sudan national by descent." **[18b] (Nationality Act: Chapter 2, Section 5)**

28.10 With regard to Naturalisation, the Act states:

"The Commissioner [for Interior] may, grant a Certificate of Naturalization as a national of the New Sudan to an alien who makes an application in the prescribed form and satisfies the following conditions:-

- a) he is of full capacity.
 - b) he has been domiciled in the New Sudan for a period of ten years immediately proceeding the date of the application.
 - c) he has an adequate knowledge of the New Sudan National Languages or if he has no such adequate knowledge, has resided continuously in the New Sudan for more than twenty years.
 - d) he is of good conduct and character.
 - e) he intends if naturalized, to continue to reside permanently in the New Sudan, and
 - f) if he is a national of any foreign country under the law of that country, he has validly and effectively in accordance with the law of such a country renounced and divested himself of the Nationality of that country."
- [18b] (Nationality Act: Chapter 3, Section 9)**

"The Commissioner may grant a Certificate of Naturalization as a national of the New Sudan to an Alien woman who makes an application in the prescribed form and satisfies that:-

- a) she is a wife of a male New Sudan national.
 - b) she has resided with her husband in the New Sudan for a continuous period of not less than five years.
 - c) she has validly and effectively in accordance with the law of the country of which she was a national, renounced and divested herself of the nationality of that country." (New Sudan Nationality Act, 2003)
- [18b] (Nationality Act: Chapter 3, Section 11)**

28.11 The Act also outlined the circumstances whereby New Sudan citizens might lose their nationality, and prosecutable offences under the Act. **[18b] (Nationality Act: Chapters 4 & 5)**

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EMPLOYMENT RIGHTS

29.01 The Interim National Constitution (INC) was signed on 9 July 2005. (BBC Timeline, 19 February 2008) [9a] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94a] Article 40 of the INC records that:

- “(1) The right of peaceful assembly shall be guaranteed; every one shall have the right to freedom of association with others, including the right to form and join political parties, associations and trade or professional unions for the protection of his/her interests;
- (2) Formation and registration of political parties, associations and trade unions shall be regulated by law as is necessary in a democratic society.
- (3) No association shall function as a political party at national, Southern Sudan or state level unless it has:-
 - (a) its membership open to any Sudanese irrespective of religion, ethnic origin or place of birth,
 - (b) a programme that does not contradict the provisions of this Constitution,
 - (c) democratically elected leadership and institutions, (d) disclosed and transparent sources of funding.” [94a] (p16)

29.02 USSD report for 2006 noted that where as the law provides for the right of association for economic and trade union purposes, the government denied this right in practice. [3a] (Section 6a) Additionally: “The law denies trade unions autonomy to exercise their right to organize or to bargain collectively. The law defines the objectives, terms of office, scope of activities, and organizational structures and alliances for labour unions. The government’s auditor general supervised union funds because they were considered public money.” [3a] (Section 6b)

29.03 The report further added that:

“Non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in government jobs and contracts in the North and government-controlled southern areas.” [3a] (Section 2c)

TRADE UNIONS

29.04 USSD report for 2006 stated that:

“The Trade Union Act established a trade union monopoly in the government in that only the government-controlled Sudan Workers Trade Union Federation (SWTUF) could function legally; banning all other unions. The International Labor Organization (ILO) has frequently noted that the trade union monopoly contravened the principles of freedom of association. The International Confederation of Free Trade Unions [ICFTU] continued to recognize the ‘legitimate’ Sudan Workers Trade Union Federation – the national trade union centre that functioned prior to the ban – which operated in exile.” [3a] (Section 6a) Adding “The law does not prohibit antiunion discrimination by employers.” [3a] (Section 6a)

29.05 The report further stated:

“While labor [sic] organizing committees have the right to organize and bargain collectively, in practice the government dominated the process of setting wages and working conditions through its control of the steering committees. A tripartite committee comprising representatives of the government, the government-controlled SWTUF, and business set wages. The absence of labor [sic] legislation allowing for union meetings, the filing of grievances, and other union activity greatly reduced the value of these formal rights. Local union officials raised some grievances with employers, although few raised them with the government. There were credible reports that the government routinely intervened to manipulate professional, trade union, and student union elections.” [3a] (Section 6a)

29.06 Additionally:

“Specialized labor [sic] courts adjudicated standard labor [sic] disputes, but the Ministry of Labor has the authority to refer a dispute to compulsory arbitration. Strikes were considered illegal unless the government granted approval, which has never occurred. In most cases employees who tried to strike were subject to employment termination; however, workers went on strike during the year and were not terminated. There is one export processing zone located in Port Sudan, and it is exempt from regular labor [sic] laws.” [3a] (Section 6a)

29.07 The ICFTU's 'Annual Survey of Violations of Trade Union Rights (2006)' stated that: “One of the most striking features of the violations that took place in Africa is the failure of governments to respect the rights of their own employees, both through the restrictions in law on organising, collective bargaining and strike action, and repression in practice. The other is the severe limitations that the law places on the right to strike in both the public and private sector, which in many cases make it virtually impossible to hold a legal strike, and the often violent repression of that right, on three occasions with fatal results.” [51a]

29.08 The 2006 Survey also stated that: “There was no improvement in Sudan where the single national centre remains under government control and all independent union activity is banned.” [51a]

29.09 USSD report for 2006 states that “In most cases employees who tried to strike were subject to employment termination; however, workers went on strike during the year [2005] and were not terminated.” [3a] (Section 6b)

WAGES AND CONDITIONS

29.10 The USSD for 2006 noted that:

“The minimum wage was \$48 (SDD 12,500) per month, which did not adequately provide a worker and family a decent standard of living. The Ministry of Labor, which maintained field offices in most major cities, was responsible for enforcing the minimum wage, which employers generally respected. Workers who were denied the minimum wage could file a grievance with the local labor [sic] ministry field office, which then was required to investigate and take appropriate action. There were reports that

some workers, including postal and health workers, were not paid their regular wages.” [3a] (Section 6e)

29.11 The report added:

“Due to a lack of capacity and difficulties in establishing the new government in the south, civil service workers, including teachers, often worked for long periods without getting paid.” Many teachers only received informal school fees paid by the parents of the children. Legal foreign workers had the same labor [sic] rights as domestic workers. Southern IDPs generally occupied the lowest paying occupations and were subject to economic exploitation in rural and urban industries and activities. [3a] (Section 6e)

29.12 The report further added that

“The law, which was generally respected, limits the workweek to 48 hours – an 8-hour day, with a day of rest on Friday. Overtime should not exceed 12 hours per week or 4 hours per day. There was no prohibition on excessive compulsory overtime. Although the laws prescribe health and safety standards, working conditions generally were poor, and enforcement by the Ministry of Labor was minimal. The right of workers to remove themselves from dangerous work situations without loss of employment is not recognized.” [3a] (Section 6e)

SLAVERY AND FORCED LABOUR

29.13 Article 30 of the INC recorded that: “(1) Slavery and slave trade in every form is prohibited. No person shall be held in slavery or servitude. (2) No person shall be required to perform forced or compulsory labour except as a penalty upon conviction by a competent court of law.” [94a] (p13)

29.14 The USSD’s report of 2006 noted that:

“The law prohibits forced or compulsory labor [sic], including by children; however, there were reports that such practices continued. Although the government continued to deny that slavery and forced labor [sic] existed, CEAWAC acknowledged that abductions had occurred. The ILO Committee of Experts reported that abduction, forced labor [sic], and sexual slavery of women and children continued during the year [2005].” The report added that both the government and rebel factions continued to conscript men and boys into the fighting forces. [3a] (Section 6c)

29.15 The USSD report on ‘Trafficking in Persons’, published June 2006, stated that:

“The Government of National Unity (GNU) of Sudan does not fully comply with the minimum standards for the elimination of trafficking and is not making significant efforts to do so. While Sudan demonstrated initial progress on a number of fronts, most of these efforts were not sustained. In addition, protective efforts did not extend to all types of trafficking victims and the Committee for the Eradication of Abduction of Women and Children’s (CEAWC) efforts to return victims of slavery were stalled for part of the year by a lack of funding.” [3e] (p14)

WEST SUDAN (DARFUR)

- 29.16 USSD report for 2006, noted that: "...non-Arab Muslims and Muslims from tribes and sects not affiliated with the ruling party, such as in Darfur and the Nuba Mountains, stated that they were treated as second-class citizens and were discriminated against in government jobs and contracts in the North and government-controlled southern areas." [3a] (Section 2c) In relation to the conflict in Darfur, USSD's June 2006 Report on people trafficking records that: "Women, after being raped, were sometimes mutilated or abducted for further sexual exploitation. Some children may also have been abducted, mostly to care for looted livestock." [3e] (p16)

SOUTH SUDAN

- 29.17 The UN's Integrated Regional Information Networks (IRIN) recorded the signing of the Interim Constitution of Southern Sudan (ICSS) on 5 December 2005. [10g] A copy of the constitutional text was available via the Max Planck Institute for Comparative Public Law and International Law website. [94b] Article 29 of the Interim Constitution of Southern Sudan (ICSS) states that:
- "(1) The right to peaceful assembly is recognized and guaranteed; every person shall have the right to freedom of association with others, including the right to form or join political parties, associations and trade or professional unions for the protection of his or her interests.
 - (2) Formation and registration of political parties, associations and trade unions shall be regulated by law as is necessary in a democratic society."
- [94b] (p10)
- 29.18 The USSD report on 'Trafficking in Persons', published June 2006 stated that: "Victims of abduction frequently became part of the abductor's tribal family, with many women marrying into the new tribe; however, some victims of abduction were used for forced domestic labor [sic] and/or sexual exploitation." [3e] (p16) The report stated further that due to the ongoing peace process and the cessation of conflict in the south, abductions in the region have significantly decreased. The report qualified this by noting that there were no known cases of new abductions in the south during the year. [3e] (p16) The USSD report for 2006 however noted that some SPLM/A commanders and affiliated forces continued to force southern men to work as laborers [sic] or porters. [3a] (Section 6c)
- 29.19 The International Labour Organization's (ILO) last updated on 16 January 2007 recorded the following on its website:
- "With the prospect of peace in the horizon, the Government of Sudan (GoS) and the Sudanese Peoples Liberation Movement (SPLM) are gearing up to recovery and reconstruction, in which infrastructure and capacity building are expected to feature prominently. During the years of conflicts, local communities carried out emergency infrastructure rehabilitation activities, with support from among others the World Food Programme through a 'Food for Work' approach. The prospects for peace have improved the feasibility of more developmental approach to infrastructure rehabilitation and rehabilitation, which, by using local labour including internally displaced persons (IDPs), will also contribute to peace building. A key priority is the capacity building up of government institutions. ASIST, at the request of the United States Agency for International Development (USAID) and the Sudan

Southern Sector, Secretariat for Physical Infrastructure, has carried out an assessment of labour-based training programme for county-based road supervisors ." [73a]

- 29.20 The report added that: "In 1997, ILO provided technical assistance to the United Nations Capital Development Fund (UNCDF) United Nations Development Programme (UNDP) funded labour-based road project South Darfur State. The project, valued at US\$ 5.5 million over three years sought to construct 86 km of roads and develop a viable local labour-based road contracting capacity within the private sector, allied with a parallel development of the State Ministry of Engineering Affairs (SMEA) technical staff." [73a]

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NEIGHBOURING COUNTRIES

- 30.01 The US Committee for Refugees International's (USCRI) 'World Refugee Survey 2005: Guinea – Sudan' provided a summary of the various causes of the country's massive internal displacement and refugee movement, and reported on the humanitarian and security situation for such persons during 2004. [50a] The World Refugee Survey's Country Reports and the United Nations' High Commissioner for Refugees* recorded the large numbers of Sudanese refugees in neighbouring countries at the end of 2004 and beginning of 2006, respectively:

Countries	Number of Sudanese Refugees
Chad	225,000
Central African Republic	36,000*
Congo-Kinshasa (Democratic Republic of Congo)	45,200/69,400*
Egypt	23,000/30,324*
Ethiopia	73,400*/90,500
Kenya	67,600/74,000*
Uganda	204,400*/214,800

*[65c] (Briefing Notes – Kenya/Sudan: Milestone tripartite agreement signed for return) [50a-50c]

- 30.02 The UN's Integrated Regional Information Networks (IRIN) reported in February 2005 that UNHCR had estimated that 600,000 Sudanese had already returned, including over 200,000 non-registered refugees from neighbouring countries. In the same month it recorded a UNHCR statement that there were thousands of refugees in camps in Uganda who were reluctant to consider repatriation. [10bs, 10dp] The report stated that, among the concerns cited by the refugees were the lack of facilities, their political marginalisation within the opposition and the SPLA, and the security situation. [10dp]

CENTRAL AFRICAN REPUBLIC (CAR)

Sudanese refugees

- 30.03 An IRIN report of 2 February 2006 noted that the Central African Republic (CAR) was hosting approximately 16,000 Sudanese refugees [10cz] IRIN further reported on 7 February that: "The first batch of 10,000 Sudanese refugees who have lived in the Central African Republic (CAR) for 16 years arrived home this week following a recent agreement between the two governments and the Office of the UN High Commissioner for Refugees (UNHCR)....To ensure the successful reintegration into society on their return, NGOs are operating health programmes to treat endemic illnesses such guinea worm, leprosy and river blindness – all concerns among these communities as they return home." [10da]

CHAD

- 30.04 Towards the end of 2005 and in early 2006, HRW, the BBC, IRIN, the International Committee of the Red Cross (ICRC) and ICG reported on the worsening security situation along the Chad-Sudan border, and increased

tension between Sudan and its eastern neighbour Chad due to allegations of support for both Chadian and Sudanese rebels. [19k-19m] [9ab, 9am] [10ac, 10db-10dd] [22d]

- 30.05 ICRC reported that: "On December 18 [2005], fighting occurred between Chadian opposition groups and Chadian forces in the Chadian border town of Adré, south-west of Al-Geneina. This was one of several major incidents that are destabilizing the Sudan-Chadian border region and causing suffering among the local population." [22d] The ICG January 2006 Crisis watch report concurred: "[Chadian] Security and relations with Sudan deteriorated as rebel group Rally for Democracy and Liberty attacked Chadian forces in Adre near Sudanese border 18 and 19 December, with estimates of over 100 killed. Chad and Sudan continued to trade accusations over support to each other's rebel movements. Chad blamed Khartoum for clashes and declared 'state of belligerence' against Sudan. President Deby faced increasing dissension within army and government, and defections from inner circle of advisers to new Zaghawa-dominated rebel movement SCUD." [14h] (p2)
- 30.06 Whilst in March 2006, ICG reported that:
- "[Chad's] Relations with Sudan improved with 8 February [2005] agreement in Libya to end support to each other's rebel groups and establish [a] force to patrol [their] border. Cross-border raids continued despite accord and high-level defections from Chad's army to Darfur-based Chadian rebels increasing likelihood of continued escalation between neighbours; many refugees fled to Darfur to escape fighting. Sudanese and Chadian militias from Darfur, with apparent Sudanese government backing, reportedly behind attacks." [14i] (p2)
- 30.07 HRW reported on 21 February 2007) that:
- "With attacks continuing against civilians in eastern Chad, the UN Security Council should approve the deployment of an international protection mission as soon as possible, HRW stated in a briefing paper released on the same day: Next week the UN Department of Peacekeeping Operations (DPKO) is expected to brief the Security Council on options for a UN mission in Chad, after which the council will consider the proposed deployment. A UN mission could help stop attacks on civilians in Chad, but only if it's given the means to act decisively. The Security Council needs to give any Chad mission real resources and political support, as well as a mandate to use force to protect civilians." [19q]
- 30.08 UNHCR reported on 19 March 2007 that around 550 Chadian refugees have asked to be moved away from border areas in Sudan's West Darfur area because of security concerns and a first group of more than 220 were moved at the weekend to the Um Shalaya refugee camp. [65f]
- 30.09 The report stated: "A convoy of 14 trucks, assembled by the International Organisation for Migration and carrying 221 refugees and several donkeys, left Arara village on the Chad-Sudan border Saturday and arrived the next day at the UNHCR-run Um Shalaya refugee camp, which is located about 75 kilometres inside Darfur." [65f]
- 30.10 The report stated further that, "Out of an estimated 20,000 Chadian refugees in West Darfur, some 16,000 have to date opted to stay close to the border in

order to have better access to their farms and to be well placed to return quickly if the security threat ends. But the security situation at the border has deteriorated in recent months and some 550 Chadian refugees, including the new arrivals in Um Shalaya, asked about a month ago to be moved to safer areas further inside West Darfur.” [65f]

- 30.11 The report added “With more arrivals from the Chadian border expected over the coming weeks, Um Shalaya refugee camp is likely to grow.” In anticipation for more people, UNHCR stated that they have drilled new wells in the camp and started to construct a school in the nearby village to provide education for both the refugees and their host community. Since the Darfur conflict spread across the border into south-eastern Chad in late 2005, about 120,000 Chadians have been internally displaced and 20,000 have sought refuge in Sudan. UNHCR is assisting the Chadian refugees in Um Shalaya and the smaller Mukjar camp in West Darfur, as well as monitoring and providing protection assistance to Chadian refugees along the border. The conflict that flared in the Darfur region in February 2003 has killed some 200,000 people and left at least two million internally displaced. A further 230,000 Sudanese refugees are living in 12 UNHCR-run camps in eastern Chad.” [65f]
- 30.12 USAID in its March 2007 update reported that the organisation has formed community-run clubs and activity centres that provide a support network for people affected by the conflict. “As violence in Darfur escalates and spills into Eastern Chad, more Chadians and Sudanese are being driven out of their homes seeking the relative safety of camps in West Darfur. Living in an unfamiliar environment, the refugees and displaced people lack traditional community resources, and the threat of disease spread by poor hygiene practices is increased in the camps’ close living space. With support from USAID, Tearfund is working to reduce these risks by forming community-run clubs and activity centres that promote healthy habits and provide a social support network for people affected by the conflict.” [3m]
- 30.13 ReliefWeb reported on 8 January 2008 that the Darfur conflict which has forced more than 200,000 Sudanese to flee into neighbouring countries such as Chad, has put a lot of strain on the small communities in eastern Chad thus making access to health care one of the greatest challenges noted the report. [68m]

Sudanese Refugees

- 30.14 The USSD report for 2006, noted that there were an estimated 210,000 refugees from Darfur in Chad. By the end of the year (2006), there were more than two million IDPs in Darfur, and another 234,000 civilians had fled into Chad, where the UN High Commissioner for Refugees (UNHCR) coordinated a massive refugee relief effort. [3a] (p1)
- 30.15 UN News reported on 3 May 2007 that three camps, namely Bredjing, Farchana and Treguine, in eastern Chad, have become homes to about 65,000 people. “These people, are part of the vast population of Sudanese displaced by the conflict that has raged in Darfur since 2003.” [6ah]
- 30.16 Physicians for Human Rights (PHR) accessed on 14 May 2007 reported of a Darfur Survival Campaign organised by the PHR that “... mobilizes health professionals, students, and members of the public to press for urgently

needed security in Darfur, Sudan, including augmented African Union troops and a UN peacekeeping force of 20,000, as authorized by UN Security Council Resolution 1706. In addition, the Campaign insists on compensation and restitution for survivors.” The report also stated that: “Hundreds of thousands of people have died in the ongoing genocide in Darfur, Sudan. The Sudanese government and militias called the *Janjaweed* have forced over two million more out of their homes, in the process destroying all means of survival and the infrastructure necessary for their return. The violence continues, and security and protection are urgently needed in the refugee camps.” [34c]

- 30.17 A statement by UNHCR reported by IRIN News on 10 May stated that voluntary repatriation of Southern Sudanese refugees from Uganda is set to increase with the introduction of a third corridor of return to Eastern Equatoria state in August 2007. “Officials from Uganda, South Sudan and the UNHCR met in Kampala and agreed that the pace of return should be expedited, notwithstanding the logistical challenges.” The report stated that the agency expected more people to volunteer to return home to southern Sudan, and noted that seventy percent of the refugees in Uganda are from Eastern Equatoria and that they are expecting a lot of people to want to go back home. [10ev]

DEMOCRATIC REPUBLIC OF CONGO (DRC)

Sudanese refugees

- 30.18 IRIN noted in February 2006, that there are around 13,300 Sudanese currently registered in the DRC. [10de]
- 30.19 In March 2006, UNHCR reported that:
- “In preparation for organized repatriation from the DRC, UNHCR organized a two-day visit for refugee representatives from Biringi, Ayamba, Ariwara and Ingbokolo in the DRC to Yei and Morobo Counties from 5 to 6 March. The refugees met with county authorities who assured them that efforts are being undertaken to enhance the capacity of areas of return. UNHCR staff also showed the refugees various project sites in Yei and Morobo Counties. Meanwhile, the local authorities in the DRC started a sensitization campaign in different refugee camps for the upcoming voluntary repatriation. Moving from Biringi to Ingbokolo via Ariwara where urban refugees are settling, the authorities called on the refugees to return to Sudan to help their country in the development process. Local radio stations in Aru broadcast information on procedures to register for voluntary repatriation.” [65c] (Situation Reports – No. 50)
- 30.20 Then in August 2006 383 refugees (127 families) repatriated from Ingobokolo, Democratic Republic of Congo (DRC) TO Yei, and on 25 August 2006 another 152 refugees (61 families) returned home from Ingobokolo to Yei. Their dispersal from Alero way station in Yei to Morobo, Lujulo, Lasu, Juba and Yambio followed in the following three days. [65c] (Situation Reports – No. 62)
- 30.21 IRIN News further reported in on 14 September 2006 that:
- “Hundreds of Sudanese refugees who had been living in the Democratic Republic of Congo (DRC), some for as long as two decades, have returned home in the latest repatriation undertaken by the United Nations refugee

agency, an official has said. 'At least 400 Sudanese refugees have been repatriated to southern Sudan from the Aba area of north-eastern DRC,' Jens Hesemann, an external relations officer with the Office of the UN High Commissioner for Refugees (UNHCR), said in the capital, Kinshasa, on Wednesday [13 September 2006]." [10cv]

On 2 May 2007 BBC Monitoring reported that a third convoy of 160 Sudanese refugees had left Ruhuma, Haut Uwele in Orientale Province for Ezo, in South Sudan, near the border with the DRC. According to the head of the UNHCR delegation in Aru, the refugees joined 340 other refugees who left the DRC in April. The UNHCR has repatriated about 4,000 South Sudanese refugees since February 2006.

On 6 June 2007 the UNHCR reported that it had closed its programme for the organised repatriation of Sudanese refugees from the DRC on 2 June 2007, after the return of more than 8,000 Sudanese refugees from a string of refugee camps in the north-west of the DRC.

EGYPT

- 30.22 International Crisis Group's (ICG) January 2006 Report, 'Sudan: Saving Peace in the East', notes that: "Egypt hosted several rounds of talks between the Sudanese government and the NDA, leading to the signature of the Cairo agreement on 18 June 2005. Its interests include maintaining influence over the traditional sectarian parties (Umma and DUP [Democratic Unionist Party]), and reducing the strength of radical Islamism in its neighbour." [14b] (p24) The Report continues: "Its [Egypt's] primary concern is to contain disputes among the Sudanese actors, lest they disrupt a status quo that is broadly favourable to Egypt. This is compatible with low-level instability in the peripheral parts of northern Sudan." [14b] (p24)

Sudanese refugees

- 30.23 Amnesty International (AI) reported on the January 2006 detention of 650 Sudanese nationals by the Egyptian authorities:

"The 650 are part of a group of over 2,500 Sudanese nationals who had been involved in a peaceful protest in the Egyptian capital, Cairo, since 29 September 2005. Their demands included improvements to their work and educational opportunities, protection from forcible return to Sudan, and resettlement in third countries. The police broke up the protest violently on 30 December, in an action that left at least 27 protesters dead and dozens of protestors and police injured." [16aj]

- 30.24 On 2 February 2006, AI followed up its initial report stating that:

"The authorities released 440 of the detainees on the UNHCR's recommendation, between 7 and 20 January. Of the 183 demonstrators still in detention, the UNHCR has recommended that 14 be released immediately as they had applied for asylum. The remaining detainees were found not to be in need of international protection. They are still in custody, but the Egyptian authorities have announced that they will not deport them and that they will grant them visas." [16ak]

30.25 The UNHCR Situation Report of 2 March 2006 states that:

“It was agreed [by the Sudanese Embassy and UNHCR] that emergency travel documents will be issued free of charge to all refugees and asylum seekers who approach the Embassy with their refugee/asylum seeker cards. These documents will be valid for a period of one month and may be extended to three months in the future if the need arises. The documents will indicate that they are issued for ‘voluntary repatriation.’ This is meant to guarantee that the returnees are not subjected to questioning or harassment upon arrival in Sudan.” **[65c] (Situation Reports – No.49)**

30.26 Whilst the following week’s UNHCR Situation Report recorded that:

“In preparation for voluntary repatriation of Sudanese refugees and asylum seekers in Egypt, UNHCR Cairo held a meeting with Sudan Airways on 6 March [2006] to discuss flights to Sudan, procedures, baggage allowances and possible charter flights. UNHCR also had a meeting with IOM on 12 March to discuss potential areas of cooperation. The first repatriation by air to Juba (via Khartoum) is planned for 29 March. Meanwhile, negotiations towards the signature of a tripartite agreement between Egypt, Sudan and UNHCR continue.” **[65c] (Situation Reports – No.50)**

ERITREA & ETHIOPIA

30.27 IRIN News reported in December 2005 that:

“Ethiopia and Eritrea must take concrete actions to ease tensions along their shared frontier given continuing fears that war could break out afresh between the two countries, a top United Nations official said on Monday. A miscalculation could lead to further bloodshed, the UN Under Secretary-General for Peacekeeping, Jean-Marie Guehenno, said in the Ethiopian capital, Addis Ababa.” **[10df]**

30.28 The report also noted that: “The visit [of Guehenno] to the region comes after Eritrea ordered the expulsion of nearly 200 western peacekeepers, a move the UN force said could cripple its operations. On 5 October [2006], the Eritrean government banned helicopter flights by UN peacekeepers in its airspace in a buffer zone with Ethiopia. It then prohibited UN vehicles from patrolling at night on its side of the zone, prompting the UN to vacate 18 of its 40 posts.” **[10df]**

30.29 The January 2006 Report produced by the ICG on the troubled eastern region of Sudan warned of the risk of renewed hostilities between Eritrea and Ethiopia, and notes that: “Asmara [Eritrea] wants to ensure at least Sudanese neutrality and could be willing to trade away its support for the Eastern Front. If fighting does break out again between the two large neighbours, eastern Sudan, whose humanitarian situation is in some ways worse than Darfur’s, would face a disastrous flood of refugees.” **[14b] (Executive Summary, p1)**

30.30 The Report later noted that: “The exchange of official visits [in October and December 2005] between Khartoum and Asmara culminated with an agreement on 7 December [2005] to normalise bilateral relations and resume air and road links.” **[14bj] (p14)**

- 30.31 The January 2006 Report produced by the ICG on the troubled eastern region of Sudan warned of the risk of renewed hostilities between Eritrea and Ethiopia, and notes that: "Asmara [Eritrea] wants to ensure at least Sudanese neutrality and could be willing to trade away its support for the Eastern Front. If fighting does break out again between the two large neighbours, eastern Sudan, whose humanitarian situation is in some ways worse than Darfur's, would face a disastrous flood of refugees." [14b] (Executive Summary, p1)
- 30.32 The Report later noted that: "The exchange of official visits [in October and December 2005] between Khartoum and Asmara culminated with an agreement on 7 December [2005] to normalise bilateral relations and resume air and road links." [14b] (p14)

Sudanese refugees

- 30.33 UNHCR reported on 2 March 2006 that: "On 27 February [2006], Ethiopia, Sudan and UNHCR signed a tripartite agreement that will enable some 73,000 Sudanese refugees to return from Ethiopian refugee camps to South Sudan. The first organized repatriation movement from the camps is expected to take place in March. So far, 14,000 Sudanese refugees have asked UNHCR to assist them to return home in 2006 – the first group will return from Bonga refugee camp to Blue Nile State." [65c] (Situation Reports – No. 49)
- 30.34 The UNHCR Situation Report of 9 March 2006 stated that: "UNHCR [had] held a cross-border meeting in Asosa (Ethiopia) on 21 February [2006] to discuss the practical modalities for the repatriation from Ethiopian refugee camps to Blue Nile State. It was agreed that approximately 4,500 refugees will be repatriated from Ethiopia to Chali El Fiel village and Penawayu village before the start of the rainy season. Those from other villages in Chali will be repatriated after the rainy season. The first repatriation movement will take place towards the end of March, starting with one convoy a week and then increasing the number to three convoys in April and eventually looking at the possibility of having four to five convoys in May. Each convoy will carry 500 refugees." [65c] (Situation Reports – No. 50) In April 2006, it was reported that the first group of 300 Sudanese refugees from Ethiopia had arrived in Southern Sudan [10dg]
- 30.35 IRIN reported on 4 April 2007 that:
- "Israeli NGOs are campaigning to have 120 Sudanese refugees who fled violence firstly in Sudan and then Egypt released from the Israeli prisons they are being held in. The refugees are among 320 Sudanese, mostly young men, who trekked for up to a week through the desert to cross Israel's porous 200km border. ... Once inside Israel, many were imprisoned. But NGOs such as the Israeli Hotline for Migrant Workers have had success in getting about 200 of them released into kibbutzim and moshavim – Israeli collective farms – where they can work. Some women and children are housed in a shelter near the northern port city of Haifa." [10fa]
- 30.36 The report continued:
- "Why have we been in prison for so long? 'We are refugees, we believed that Israel was a democracy and would not jail us for escaping genocide. As time goes by we grow more and more desperate', said one Sudanese prisoner."

The report added: "The Israeli interior ministry spokeswoman Sabine Haddad said the government was 'doing its best to find a solution'. 'But the Sudanese have not been given automatic refugee status because Israel's Government Secretariat Office has considered Sudan to be an enemy state since 1948'." [10fa]

30.37 Adding:

"Israel was violating section 44 of the Geneva Convention Protocol, an addition that it had itself initiated in 1951 following the discovery that Jewish refugees from Germany had been imprisoned in the USA during World War Two because it was claimed they were citizens of an enemy state. 'We consider it an outrageous scandal. Israel is doing exactly the same today with those escaping genocide, said Sigal Rosen, the Hotline's spokeswoman. 'Sudanese began arriving over the Israeli-Egyptian border after a bloody end to a demonstration in Cairo's Mustafa Mahmud Park in 2005, when Egyptian police killed 27 demonstrators and left many more injured'." [10fa]

30.38 Furthermore:

"Severe cuts and bruises on the refugees' feet are evidence of this long journey, according to aid workers, prison staff and volunteers. The refugees arrive in southern Israel with nothing but the clothes on their backs, many suffering dehydration. If you want to cross the border with your family you need to pay several hundred dollars to the Bedouins. We know there are many who did not make it across and their bodies are lying in the desert, added another refugee from south Sudan who wished to remain anonymous'." [10fa]

KENYA

30.39 The weariness of the war and international pressure finally brought the Government of Sudan and the Sudan People's Liberation Movement/Army (SPLM/A) to the negotiating table in 2002, where peace talks were held in Kenya, culminating in the signing of the CPA on 9 January 2005. "A joint FCO-DFID Sudan Unit has been in operation since early 2002, reporting directly to both the Foreign Secretary and the Secretary of State for International Development. The Sudan Unit and the British Embassy in Khartoum played a leading role supporting both the parties and the mediators at the peace talks in Kenya." (FCO, Country Profile, 7 November 2007) [4a] (p6, p7)

Sudanese refugees

30.40 A December 2005 IRIN report noted that: "Some refugees have already started returning on their own to southern Sudan from Kenya. On Saturday, the first official voluntary repatriation by the UNHCR [United Nations' High Commissioner for Refugees] to southern Sudan from Kakuma camp in north-eastern Kenya, started with the departure of some 150 refugees by road and air." [10dh]

30.41 Whilst in January 2006, UNHCR reported:

"Together with Sudan and Kenya, UNHCR has signed a milestone tripartite agreement that sets out the roles and obligations of each side in helping South

Sudanese refugees go home from Kenya, where they have received protection for the past 14 years. The agreement, signed in Nairobi yesterday (Thursday, 12 Jan. [2006]), is the first of seven tripartite agreements we expect to sign with countries neighbouring Sudan that will clear the way for up to 70,000 refugees to return to South Sudan in the first half of this year. Some 10,000 of these may come from Kenya alone.” [65c] (Briefing notes – Kenya/Sudan: Milestone tripartite agreement signed for return)

LIBYA

30.42 ICG’s January 2006 Report, ‘Sudan: Saving Peace in the East’, stated that:

“In the absence of any immediate threat to its own security, such as could be postulated in the Darfur case, and, seemingly, in the absence of vital economic interests, Libya’s main motivation in the East is most likely preventing further involvement by the wider international community in Sudan. It is doubtful whether it has the expertise, or more importantly the political will, to address the conflict within a framework compatible with the CPA.” [14b] (p23)

30.43 The Report also pointed to the loss of Beja Congress trust in the Libyan authorities following a secretly negotiated settlement between the NCP and the Free Lions in Tripoli. [14b] (p19, 24) The agreement restored as many as 600 Land Cruisers that the Sudanese authorities had confiscated from the Rashaida in the early 1990s. [14b] (p19)

30.44 “The Free Lions denied the agreement undermined the Eastern Front or jeopardised January 2006 talks in Tripoli and claimed it merely resolved an isolated bilateral issue by providing ‘restitution’ to aggrieved Rashaida. Furthermore, they said, ‘issues of power and wealth were not discussed’. This explanation, however, has done little to mute criticism of a deal that has placed tremendous strain on the Eastern Front and exposed its frailty.” [14b] (p19)

UGANDA

30.45 USSD report for 2006, noted that: “The [Sudanese] government permitted the Ugandan army access to the South to pursue the LRA. Although Ugandan military operations significantly reduced LRA numbers, the LRA continued to operate in the South and to hold child abductees; such LRA attacks restricted humanitarian activities.” [3a] (Section 5) Following the signing of the peace agreement between the SPLM/A and the Government of Sudan on 9 January 2005, IRIN reported that the late John Garang, the then leader of the former rebel movement, had said that the semi-autonomous government of south Sudan wished to help end the LRA’s rebellion in Uganda. [10di] Garang had also stated that the SPLM/A was prepared to fight against LRA forces found within their territory. [10di]

30.46 USSD report on Trafficking in Persons, published in June 2006, stated that:

“During the year, the government increased border cooperation and surveillance with the neighboring [sic] Government of Uganda to combat the LRA and its continuing terrorist operations in southern Sudan, including trafficking in children. The government permitted the Ugandan military to take action against the LRA on Sudanese territory along the Ugandan border.

Sudanese security forces and SPLA elements also engaged LRA forces that had raided further north into Sudan.” [3e] (p17)

Lord’s Resistance Army (LRA)

- 30.47 A February 2005 International Crisis Group (ICG) Policy Briefing entitled, ‘Peace in Northern Uganda: Decisive Weeks Ahead’, recorded that: “Under pressure, the Sudan government has – for now at least – cut most of its links with the LRA, which for years it supplied with arms, food and sanctuary.” [14j] (p3) Although, the Institute for Security Studies’ (ISS’s) June 2004 report stated that the Government claimed in September 2002 to have ended its support for the LRA, “But since then a large number of reports from victims and their supporters in northern Uganda, together with the SPLM/A [Sudan People’s Liberation Movement/Army], have held that the Sudanese armed forces never ended their relations with the LRA.” [43b] (p8) (**‘Insecurity in South Sudan: A threat to the IGAD Peace Process’**)
- 30.48 The ICG’s February 2005 Policy Briefing also stated that it had information that the Sudanese government continued to provide support for the LRA. [14j] (p3) Even if this was not the case, the ICG expressed concern that Sudanese military intelligence officers might resume their support to the LRA as “There are elements in the Khartoum government that remain interested in keeping the organisation alive as a tool precisely for the purpose of destabilising the South.” [14j] (p5)
- 30.49 Despite reports that both the government in Khartoum and the SPLM/A were willing to assist the UPDF against the LRA, in September 2005 IRIN and the BBC reported on the continuing presence of the LRA in south Sudan, and further abuses attributed to the rebel group in the region, including the hijacking of vehicles on the newly opened road between Yei and Juba, and attacks on villages in the areas of Lanya and Loka situated west of Yei, in which homes were burnt and an unspecified number of people were abducted. [9y] [10bn-10bq]
- 30.50 On the 26 August 2006 the BBC Online news reported that the LRA and the Ugandan government had signed a truce during peace talks held in Juba, southern Sudan bringing an end to the 20 year conflict in northern Uganda. The Ugandan government promised not to attack the rebels once the truce is in place. [9an]
- 30.51 IRIN News reported in September 2006 that: “An estimated 800,000 displaced Ugandans are expected to return to their villages after a ceasefire was agreed between the Ugandan government and the Lord’s Resistance Army (LRA) last month.” [10dj]
- 30.52 ReliefWeb gave a brief history and an overview of The Lord’s Resistance Army in Sudan on its website on 21 September 2007, stating ... “This study examines the military history of the LRA in Sudan, the current prospects for ending the conflict, and the main challenges facing the peace talks.” [68j]

Sudanese refugees

- 30.54 IRIN also reported in September 2006 that: "Up to 4,560 Sudanese refugees have returned home from settlements in Uganda while Kiryandongo hosts up to 15,024 mainly Sudanese, refugees." [10dj]
- 30.55 On 20 October 2006, UNHCR reported that they had suspended repatriation convoys of Sudanese refugees following reports that unknown gunmen had killed at least 32 civilians in Southern Sudan. [65e] President Salva Kiir Marayadit gave the order for security forces to act quickly to protect its citizens from any further attacks. [10eg]
- 30.56 UN News reported on 7 May 2007 that a 17-truck convoy carrying over 600 refugees, including a newborn baby, completed a three-day journey to southern Sudan, marking the end of the United Nations refugee agency's repatriation programme from Ethiopian camps before the rainy season begins. The trip was organized jointly by the UN High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM). [6at]

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Annex A: Chronology of major events

1989 June: Lt Gen Omar Hassan Ahmed al-Bashir assumed power after a bloodless coup. A 15-member Revolutionary Command Council for National Salvation (RCC) was formed. Al-Bashir rapidly dismantled the civilian ruling apparatus. Civilian newspapers were closed, political parties were banned and a state of emergency declared. Thirty members of the former government were detained. [1a] (p1090)

For further information on history prior to June 1989, refer to Europa Regional Surveys of the World: Africa South of the Sahara 2005, [Annex I](#) source. [1a]

1991 August: Late August saw a split in the SPLA. The new faction was favoured by the Nuer people, whilst the Dinka still supported Garang. [1a] (p1091)

1992 February: A 300-member transitional National Assembly was created, comprising of members of the RCC, state governors, army and police representatives, former DUP and UP members and former aides to Nimeri. [1a] (p1091)

1993 October: The RCC was disbanded, having appointed al-Bashir as President and head of a new civilian administration. [1a] (p1091)

1994 February: Sudan was re-divided into 26 states instead of nine. The executive and legislative power of the states was expanded. Southern states were expected to be exempt from Shari'a law. [1a] (p1091)

1995 June: The NDA – including the SPLA, DUP, UP and SCP – held a conference in Asmara and announced plans for self-determination once the al-Bashir regime was ousted. [1a] (p1092)

1996 March: First legislative and presidential elections since 1989 took place on 6 and 17 March. Opposition groups did not field candidates and al-Bashir returned for a further five-year term. Dr al-Turabi (NIF) was elected speaker of the National Assembly. [1a] (p1092)

1997 April: The southern factions who had signed the peace charter with the Government in early 1996 finalised and signed the Peace Accord. [1a] (p1093)

1998 May: Voting took place between 1 and 20 May in a referendum on the new Constitution; results were expected at the end of June. [1a] (p1093)

1999 January: The Political Association Act came into effect. The voting age was changed from 18 to 17. [1a] (p1093)
On 26 November the Sudanese government and the opposition Umma Party signed a peace accord, which was criticised by the Sudan People's Liberation Army and the National Democratic Alliance. [1a] (p1093)
On 12 December, President al-Bashir dissolved Parliament and declared a three-month state of emergency, which he said was to preserve the unity of the country. Emergency laws took effect on 13 December with the promise of presidential decrees to follow. [1a] (p1093)

- 2000** **January:** President al-Bashir appointed a new government, shortly after reaching agreement with his rival, Islamist Hassan al-Turabi, on proposals to end their power struggle. [1a] (p1093)
March: The Umma Party withdrew from the exiled National Democratic Alliance opposition coalition during a meeting of NDA leaders in Asmara. [1a] (p1094) The Government extended the state of emergency from three to twelve months. [1a] (p1093)
May: Tensions between Hassan al-Turabi and President al-Bashir increased as al-Turabi was suspended as Secretary-General of the National Congress. [1a] (p1094)
June: Hassan al-Turabi was removed from the position of Secretary-General of the National Congress Party and formed a new political party called the Popular National Congress. [1a] (p1091)
December: Presidential and parliamentary elections took place from 13 to 22
December: Sudan's National Elections Authority (NEA) declared President al-Bashir the winner of the presidential election. [1a] (p1094)
- 2001** **On 3 January,** President al-Bashir extended the state of emergency for a further year. [1a] (p1094)
On 12 February, President al-Bashir was sworn in as President of Sudan for his second term of office. Hassan al-Turabi, leader of the Popular National Congress Party (PNC) and senior members of the PNC were arrested following allegations that the party was developing links with the SPLA, and advocating the overthrow of the government. [1a] (p1094)
September: The United Nations Security Council lifted the diplomatic sanctions that were imposed against Sudan in April 1996. [1a] (p1097)
- 2002** **January:** A military ceasefire between the SPLA and government forces became effective for six months in the Nuba Mountains. [1a] (p1094)
July: The Government and the SPLM/A signed a peace deal after five weeks of talks. The peace deal included agreement on the separation of state and religion as well as self-determination for the southern Sudanese. Opposition political parties cautiously approved the peace deal but no agreement was reached regarding a ceasefire. [1a] (p1095)
August/September: Fighting broke out between the SPLA and government forces in the south. The Government responded by suspending peace talks with the SPLM/A. [1a] (p1095)
October: The Government and the SPLM/A signed a Memorandum of Understanding (MOU) agreeing to resume talks and to implement a cessation of hostilities for the duration of the talks. The peace talks resumed. [1a] (p1095)
December: Sudan's Parliament approved the extension of the state of emergency for another year. [1a] (p1094-5)
- 2003** **February:** In the Darfur States, members of the Fur, Zaghawa and Massaleit tribes – in the form of the SLM/A and the JEM – began an armed rebellion to protest against the political and economic marginalisation of the region. [1a] (p1096)
October: The PNC leader, al-Turabi, was released after nearly three years in detention and the ban on his party was lifted. [9a] (p4)
- 2004** **January:** The army moved to quell the rebel uprising in the western region of Darfur, causing hundreds of thousands of refugees to flee to neighbouring Chad. [9a] (p4)

March: A UN official said pro-government Arab '*Janjaweed*' militias were carrying out systematic killings of African villagers in Darfur. [9a] (p4) Army officers and opposition politicians, including Islamist leader Hassan al-Turabi, were arrested over an alleged coup plot. [9a] (p4)

April: The Government and the SLM/A signed a 45-day ceasefire in Darfur State, which did not hold, as clashes continued. [1a] (p1096)

On 20 October, the African Union (AU) agreed to boost the number of peacekeepers in Darfur and to send in a civilian police force. The deployment of the armed force, which would number 3,320, was expected in a matter of weeks. [10dk]

On 9 November, the Sudanese government agreed to end military flights over Darfur and signed a series of breakthrough agreements in the Nigerian capital city, Abuja, touching on security and humanitarian issues to end 20 months of hostilities with the region's rebels. [10dk]

On 13 December, continuing violence in Darfur was reported to be derailing efforts to find a political road map out of the Darfur crisis, according to delegates at AU-sponsored talks in Abuja. [10dk]

On 31 December, a permanent ceasefire was signed by the Government of Sudan and the SPLM/A. [10dl]

2005 **On 9 January,** the Government of Sudan and the Sudan People's Liberation Movement/Army sign the Comprehensive Peace Agreement to bring an end to Sudan's 21-year civil war. [10ac]

On 13 January, it was reported that a third rebel movement, called the National Movement for Reconstruction/Reform and Development, had emerged in Darfur and was successfully negotiating with the Sudanese government. [10dm]

On 25 January, the Report of the International Commission of Inquiry (ICI) on Darfur to the United Nations (UN) Secretary-General is released, which concluded that the human rights abuses committed in Darfur did not amount to genocide. [6e]

On 23 February, it was reported that the Beja Congress (BC) and the Free Lions Association had merged to form a new group called the Eastern Front (EF). [12f]

29 March: The UN Security Council decides to freeze assets and impose a travel ban on those believed to have committed human rights abuses or violated the ceasefire agreement in Darfur. The resolution also bans the sale or supply of military equipment to nongovernmental entities or individuals involved in the Darfur conflict, including the Sudanese government. [10ac]

June: the Government and the exiled opposition political grouping, the National Democratic Alliance, signed a reconciliation agreement which allowed the group into the power-sharing administration. [9a] Hassan al-Turabi, who was detained in March 2004 over an alleged coup plot, was freed by the president. [9a]

On 6 June Luis Moreno-Ocampo, ICC (International Criminal Court) prosecutor, opens investigations into human rights abuses in Darfur, whilst on 13 June, a court set up by the Sudanese government starts hearing the cases of 160 people accused of committing crimes in Darfur. [10ac]

On 9 July, the leader of the former rebel group, the Sudan People's Liberation Movement/Army, John Garang, was sworn in as first vice-president and an interim Constitution, giving the south a large degree of autonomy, was signed. [9a] (p4)

On 11 July, President al-Bashir issued a decree ending the country's 16-year state of emergency in all the states of Sudan except the three strife-torn states of Darfur and two eastern states bordering Eritrea. [10i]

1 August: the Government announced the death of John Garang in an air crash, sparking three days of deadly clashes in the capital, Juba and other towns between southern African Sudanese and northern Arab Sudanese.

[9a] (p4) [10ac] [38a] [15aa-15ab] Garang was succeeded by Salva Kiir. [9a] (p4) [10ac]

On 31 August Sudan's new interim National Assembly, which was appointed by decree by President al-Bashir, held its first session. [10ac]

20 September: Government of National Unity announced. [10ac] [25f]

22 October: Government of Southern Sudan formed. [10ac] [25f]

November: Minni Arko Minnawi elected as the new president of Darfur's main rebel group, the SLM/A. Incumbent president, Abdel Wahed Mohamed al-Nour refused to recognise the election outcome. [10ac]

On 29 November the seventh round of the Darfur peace talks opened in Abuja, Nigeria. [4a]

On 5 December the south Sudan President, Salva Kiir Mayardit, signed the Interim Constitution of south Sudan. [10ac]

2006 January: The two main rebel groups in Darfur – the JEM and the SLM/A – announce that they have united under the banner the Alliance of Revolutionary Forces of West Sudan. [13b]

On 8 February the Chad and Sudan Government reached agreement in Libya to end support to each other's rebel groups. Nevertheless, cross-border raids continued and high-level defections from Chad's army to the Darfur-based Chadian rebels increased the likelihood of a worsening of relations between the countries. [14a]

On 5 May the Khartoum government and the SLM/A signed a peace accord. Two smaller rebel groups reject the deal. [9a] [10dq]

August: Sudan rejects UN Resolution calling for a UN Peacekeeping force in Darfur [9a]

October The Sudanese government signs peace deal with rebels from the east of the country [9ax]

2007 On 14 July a former rebel leader Malik Agar was reported as the new governor of Southern Blue Nile state. This will be the first time the SPLM has been in power in Southern Blue Nile state since the peace deal in 2005.

On 31 July UNAMID (United Nations-African Union Mission in Darfur) was established for 12 months, and UN Security Council approves a resolution authorising a 26,000-strong force for Darfur. Sudan says it will co-operate with UNAMID.

August-September - The worst floods for decades leave more than 250,000 people homeless.

September - UN talks on the composition of a Darfur peacekeeping force end without agreement.

October - SPLM temporarily suspends participation in national unity government, accusing Khartoum of failing to honour the 2005 peace deal.

November - A British teacher is sentenced to 15 days in jail for insulting religion after allowing students to name a teddy bear Mohammed. Demonstrators call for her to be shot. She is freed after a presidential pardon.

December - SPLM resumes participation in national unity government.

2008 January - UN takes over Darfur peace force.

February - Commander of the UN-African Union peacekeepers in Darfur, Balla Keita, says more troops needed urgently in west Darfur.

See also Section 3.01: [History](#) and Section 7.01: [Human rights](#) for information on events affecting the human rights of individuals and groups, and the restriction of fundamental freedoms.

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Annex B: Political organisations

This list should not be viewed as exhaustive.

Alliance of the People's Working Forces

Based in Khartoum.

The leader is Gaafar Muhammad Nimeri. The acting Secretary-General is Kamal ad-Din Muhammad Abdullah. [1a] (p1113)

Baa'th Party

Both the pro-Syrian and pro-Arab (Iraqi) factions are members of the NDA.

According to the Danish Fact Finding Report of 2001, "The pan-Arab Baa'th Party (BP) is divided into pro-Syrian and pro-Arab [Iraqi] factions, but members of both factions are at risk of attack." [23b] (p18) The Baa'th Party reportedly remained committed to unifying Sudan with either Egypt or Libya, according to sudan.net, as an initial step in the creation of a single nation encompassing all Arabic-speaking countries. [57] (p3) However, the Baa'th Party's ideological reservations about the regimes in those two countries prohibited active political backing for this goal. [57] (p3) According to sudan.net, "The Nimeiri and al-Bashir governments alternately tolerated and persecuted the Baa'th." [57] (p3)

Beja Congress (BC)

The *Sudan Tribune* published a letter in June 2006 from Abu Amna of the Beja Congress, it was addressed to the United Nations Secretary-General Mr. Kofi Annan. Abu Amna described the Beja Congress as a: "Political organization established in 1958 to propagate the plight of the Peoples of Eastern Sudan. Its main aim has always been to struggle for the achievement of democracy, equality and fair distribution of wealth and power as a way of ending marginalization and underdevelopment in the Region." [12k]

The *Sudan Tribune* reproduced an August 2004 Reuters report in which "The Beja Congress (BC), which claims to control large parts of the east, say they're still observing a self-imposed ceasefire and would attack only if provoked." [12d] The report stated that the BC's ceasefire had been in effect since November 2003, as the rebels awaited the final result of the north-south peace talks. [12d]

The Beja Congress refused to attend the January 2005 Government of Sudan-National Democratic Alliance (NDA) peace talks in Cairo that resulted in a preliminary peace agreement between the two parties. [10dr] In January 2005, leading members of the Beja tribe presented a list of demands to the Government authorities in Port Sudan, an action followed by the demonstration of thousands of Beja. [9k] [17b] [16h-16i]

An IRIN News report of 14 June 2006 noted that The Eastern Front (EF) – an alliance between the Beja Congress and the Rashaida Free Lions had been active near the Eritrean boarder, but fighting was sporadic and on a small scale. [10ds]

Democratic Unionist Party (DUP/DUP-Mirghani)

Based in Khartoum, leadership in exile. Leader – Mohammad Osman (Uthman) al-Mirghani. Conservative in political outlook. The DUP is one of the founder members of the National Democratic Alliance (NDA) opposition umbrella group. [1a] (p1113)

The DUP was formed in 1968 through the merger of two long-established parties, the People's Democratic Party (PDP) and the National Unionist Party (NUP); it is a largely secularist Islamic centre party and is supported primarily by the Khatmiya Islamic order. [58] (p565) [1a] (p1089) *Political Parties of the World* stated that: "After the 1989 military coup, the DUP leader, Osman al-Mirghani, went into exile and aligned the DUP with the National Democratic Alliance (NDA), of which he became chairman in 1995." [58] (p565)

According to the Report of the 2001 Danish Fact Finding Mission, the DUP is split into a number of small groups but there are two main factions, Hindi and Mirghani. [23b] (p17)

Democratic Unionist Party (DUP/DUP-Hindi) – (registered)

Leader – Siddiq al-Hindi. Splinter group from Mirghani's DUP, pro-Government and not a member of the NDA.

Siddiq al-Hindi returned to Sudan in 1997 to establish a faction of the DUP, sometimes known as the 'DUP General Secretariat', with himself as chairman. [58] (p565)

Free Sudanese National Party (FSNP)

Based in Khartoum. Chairman – Philip Abbas Ghabbush. [1a] (p1113)
Officially registered in April 1999 [58] (p565)

Independent Democrats

Based in Khartoum. Leader – As-Samawitt Husayn Osman Mansur. [1a] (p1113)

Islamic-Christian Solidarity

Based in Khartoum. Founder – Hatim Abdullah az-Zaki Husayn. [1a] (p1113), [58] (p565)

Islamic Revival Movement

Based in Khartoum. Founder – Siddiq al-Haj as-Siddiq. [1a] (p1113), [58] (p565)

Islamic Socialist Party

Based in Khartoum. Leader – Salah al-Musbah. [1a] (p1113)

Islamic Ummah Party (IUP) – (registered)

Officially registered as a political party on 13 April 1999. Leader – Wali al-Din al-Hadi al-Mahdi. Despite the similar name, this party is completely separate and independent of the Umma Party led by Sadiq al-Mahdi. The IUP is allied with the Government. [1a] (p1113), [58] (p565)

Justice and Equality Movement (JEM)

Darfurian-based political movement/rebel group that emerged in 2001. [6e] (p39) Leader – Dr Khalil Ibrahim, a former state minister. The JEM is allegedly linked to the Popular National Congress (PNC), although Ibrahim has denied this claim. [16p] [6e] (p39) It split into two factions in May 2004, one led by Ibrahim, the other by Colonel Gibril. [6e] (p39)

The Report of the International Commission of Inquiry (ICI) on Darfur to the United Nations (UN) Secretary-General, January 2005, stated that:

"The 'Black Book' appears to be the main ideological base of the JEM. This manifesto, which appeared in 2001, seeks to prove that there has been a total marginalization of Darfur and other regions of the Sudan, in terms of economic and social development, but also of political influence. It presents facts that aim to show, 'the imbalance of

power and wealth in Sudan'. It was meant to be an anatomy of Sudan that revealed the gaps and discrimination in contrast to the positive picture promoted by the Government....The message is designed to appeal to all marginalized Sudanese – whether of Arab, Afro-Arab or African identity, Christian or Muslim. Based on this ideology, the JEM is not only fighting against the marginalization, but also for political change in the country, and has a national agenda directed against the present Government of the Sudan.” [6e] (p39)

The Report continued: “In the field, it is difficult to make a distinction between JEM and SLM/A, as most often reports on actions by rebels do not distinguish between the two. It has been reported that members of the JEM have yellow turbans. It also appears that while SLM/A is the larger military actor of the two, the JEM is more political and has a limited military capacity, in particular following the reported split of the group and the ensuing emergence of the NMRD.” [6e] (p39)

The ICI also stated that: “The Commission obtained very little information about the size and geographic location OF [sic] JEM forces in Darfur. Most of its members appear to belong to the Zaghawa tribe, and most JEM activity is reported in the northern parts of West Darfur.” [6e] (p39) The National Movement for Reconstruction/Reform and Development reportedly emerged from a split in the JEM caused by the dissatisfaction of some JEM members at Hasan al-Turabi’s influence over the armed group. [10dm]

See also Section 3.07: [The Darfur conflict](#); Section 17.01: [Ethnic groups/Darfur](#); Annex B: [National Movement for Reconstruction/Reform and Development](#) and Annex D: [Black ethnic groups – Darfur](#)

Justice Party

Based in Khartoum. Formed in 2002 by former members of the National Congress, including Dr Lam Akol. [1a] (p1113)

Korbaj (which in Arabic means ‘whip’)

According to the ICI, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda, composition and activities. The ICI stated that this armed group, Korbaj, is supposedly composed of members of Arab tribes. [6e] (p40)

Moderate Trend Party

Based in Khartoum. Leader – Mahmud Jiha. [1a] (p1113)

National Democratic Party

Based in Khartoum. Formed in 2002 following merger of the Union of Nationalistic Forces, the Communist Party and the National Solidarity Party. [1a] (p1113), [58] (p565)

National Movement for Reconstruction/Reform and Development (NMRD)

A January 2005 UN Integrated Regional Information Networks (IRIN) report stated that: “NMRD leader Nourene Manawi Bartcham, told an IRIN correspondent in N’Djamena at the end of December that his group broke away from JEM in April last year because it disagreed with the influence of Hassan Al Tourabi, an Islamic fundamentalist politician, over the rebel movement.” [10dm] The report stated that the NMRD was estimated to have 1,000 fighters and also noted that the JEM believed that the NMRD was a stooge of the Government. [10dm]

According to the ICI, "On 6 June [2004], the NMRD issued a manifesto stating that it was not party to the ceasefire agreement concluded between the Government and the SLM/A and the JEM in April, and that it was going to fight against the Government. The commanders and soldiers of this movement are mainly from the Kobera Zaghawa sub-tribe, a distinct sub-tribe of the Wagi Zaghawa, who are prominent in the SLM/A. The NMRD is particularly active in the Chadian border town of Tine and in the Jabel Moun area in West Darfur state." [6e] (p40)

See also Section 3.07: [The Darfur conflict](#); Section 17.01: [Ethnic groups/Darfur](#); Annex B: [Justice and Equality Movement](#) and Annex D: [Black ethnic groups – Darfur](#)

Nile Valley Conference

Based in Khartoum. Founder – Lt-Gen (ret) Umar Zaruq. [1a] (p1113), [58] (p565)

Popular Masses' Alliance

Based in Khartoum. Founder – Faysal Muhmad Husayn. [1a] (p1113), [58] (p565)

Popular National Congress Party (PNC/PC)

(also referred to as the People's National Congress or Popular Congress)

Founded – June 2000. Founder and leader – Hassan al-Turabi [1a] (p1113), [58] (p565)

According to Europa's Regional Surveys of the World: Africa South of the Sahara 2005, Hassan al-Turabi launched his own political party called the Popular National Congress Party (PNC) in June 2000. [1a] (p1094) Al-Turabi was detained on 21 February 2001 and finally released in October 2003. [58] (p565) The BBC reported that al-Turabi and other members of the PNC were arrested in late March/early April 2004.

In September 2004, the Government of Sudan again accused the PNC of plotting to overthrow the current regime, a claim denied by the party. [9a] Hassan al-Turabi was released by the Government of Sudan on 30 June 2005 but many other members of the party are known or believed to still be in detention. [16o-16p] [15a] (p8)

An IRIN report of July 2005 recorded that: "The Popular Congress, the Ummah party and the Communist Party recently formed an alliance with a number of smaller parties to form an opposition to the government of national unity." [10i]

See also Section 14: [Freedom of assembly and association/Members and supporters of the Popular/People's National Congress \(PNC/PC\)](#); Annex B: [Justice and Equality Movement](#)

Al Shahamah (which in Arabic means 'The Nobility Movement')

According to the ICI, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda, composition and activities. [6e] (p40) The Report stated that this group, Al Shahamah, was first heard of at the end of September 2004, and is reportedly located in Western Kordofan state, which borders Darfur to the east. [6e] (p40) The ICI continued: "The group seeks fair development opportunities for the region, a review of the power and wealth sharing agreement signed between the Government and the Sudan People's Liberation Movement (SPLM), and a revision of the agreement on administrative arrangements for the Nuba Mountains and the Southern Blue Nile regions." [6e] (p40)

Socialist Popular Party

Based in Khartoum. Founder – Sayyid Khalifah Idris Habbani. [1] (p1113), [58] (p565)

Sudanese Central Movement

Based in Khartoum. Founder – Dr Muhammad Abu al-Qasim Haj Hamad. [1] (p1113), [58] (p565)

Sudanese Communist Party

Although some sources suggest that the Party was formed in 1944 the Communist Party of Sudan web pages indicate that the Party was formed in 1946. [57], [59] Leaders – Mohammad Ibrahim Nogud (NDA faction) and Al Khatim Adlan (non-NDA faction); Fatimah Ibrahim (faction unknown).

According to the *Sudan Tribune*, “The Sudanese Communist Party (SCP) founded in 1946, was a major force in Sudanese politics and one of the two most influential, along with the South African Communist Party, until 1971. In 1946 the party was known as the Sudanese Movement for National Liberation (SMNL). It supported the struggle for national independence, gained by the Sudan in 1956, after which the SMNL changed its name into al-Hizb al-Shuyu’i al-Sudani (Sudanese Communist Party).” [12r]

The Danish Fact Finding Report for 2001 stated that the SCP is split into at least two factions led by Nogud and Al Khatim Adlan. [23b] (p17) The report stated that: “Adlan’s faction is not a member of the NDA, but both factions of the SCP are banned in Sudan and both are [reportedly] under surveillance by the security forces.” [23b] (p17) The SCP had support in both southern and northern Sudan and was opposed to the religiously based parties such as the DUP and UP. [57a] (p3) [23b] (p17)

The 2001 Danish Fact Finding Report stated that: “Since the coup in 1989 the SCP has been behind one of the most effective opposition campaigns against the current regime.” [23b] (p17)

An IRIN report of July 2005 recorded that: “The Popular Congress, the Ummah party and the Communist Party recently formed an alliance with a number of smaller parties to form an opposition to the government of national unity.” [10i]

Sudanese Green Party

Based in Khartoum. Founder – Professor Zakaraia Bashir Imam. [1a] (p1113), [58] (p565)

Sudanese Initiative Party

Based in Khartoum. Leader – J’afar Karar. [1a] (p1113)

Sudanese Liberation Movement/Army (SLM/A)

The Sudan Liberation Army is a: “rebel group in Darfur that emerged in February 2003, calling for greater political and economic rights in a united Sudan. Its leader is Abd al-Wahid Muhammad Ahmad al-Nur. Formerly the Darfur Liberation Front, a secessionist group, its name was changed on 14 March 2003.” (IRIN News – ‘Who is Who’, dated 11 March 2004) [10du] The main wing of the SLM/A is led by Minni Minnawi. [10c]

According to the ICI Report of January 2005:

“During the Commission’s meetings with the SLM/A leadership in Asmara, Eritrea, it was made clear that the group is divided into a political arm, the ‘Movement’, and a military arm, the ‘Army’. At the outset of the conflict, the structure of the SLM/A remained unclear. In October 2003, the SLM/A reportedly held a conference in North Darfur State during which changes in their structure were discussed and a clear division of work proposed between the military and the political wings. Nowadays, and following the discussion members of the Commission had with SLM/A representatives

in Eritrea, it appears that the movement's non-military chairman is Abdel Wahid Mohamad al Nur and that the main military leader and the group's Secretary-General is Minnie Arkawi Minawi. The negotiation team in the peace talks with the Government is headed by Dr. Sherif Harir. Little is known about the detailed structure, or about the actual size of the military arm. According to information obtained by the Commission, the SLM/A has acquired most of its weapons through the looting of Government installations, in particular police stations as well as army barracks. Other sources claim that foreign support has also played an important role in the build-up of the SLM/A forces. The Commission, however, was not in a position to confirm this." [6e] (p38)

The report continued:

"The Commission obtained little information about the areas controlled by the SLM/A in Darfur. While certain rural areas are said to be under the group's control, given its operation as a mobile guerilla group, these areas of control are not fixed. In the beginning of the conflict most of the fighting seems to have taken place in North and northern West Darfur, while it gradually moved southward into South Darfur during the last months of 2004." [6e] (p38)

In January 2006, it was reported that the Darfuri rebel movements – the SLM/A and JEM – had agreed to join forces under the banner Alliance of Revolutionary Forces of West Sudan. (AFP, 22 January 2006) [13b]

See also Section 3.07: [The Darfur conflict](#); Section 17.01: [Ethnic groups/Darfur](#); and Annex D: [Black ethnic groups – Darfur](#)

Sudanese National Movement for the Eradication of Marginalisation

According to the ICI, a small number of new armed groups have emerged in or near Darfur, but very little information is available about their political agenda, composition and activities. [6e] (p40) The ICI stated that this group, the Sudanese National Movement for the Eradication of Marginalisation, emerged in December 2004 when it claimed responsibility for an attack on Ghubeish in Western Kordofan, and that "Little is known of this groups [sic], but some reports claim it is a splinter group from the SLM/A." [6e] (p40)

Sudan People's Liberation Movement /Army (SPLM/A or SPLM-Mainstream)

Formed – 1983. [58] Leader – Salva Kiir. Member organisation of the NDA. Previously an opposition political movement (which retains its military wing) for southern Sudanese people until the signing of the Comprehensive Peace Agreement on 9 January 2005. [9a] Now the ruling party in south Sudan and a member of the National Government of Unity. [10i, 10cr]

The SPLM/A was created in 1983 when John Garang, who was then a Lieutenant Colonel in the Sudan People's Armed Forces (SPAF), was sent to quell an army rebellion by southern troops in Bor. [58] (p565) Rather than ending the mutiny, Garang encouraged other garrisons to rebel. [58] (p565)

According to the 2000 Danish Fact Finding Report, any Sudanese national can join the SPLM/A regardless of ethnic origin or religion. [23a] (p18) The Report stated that: "Most of its membership is drawn from three provinces in southern Sudan: Eastern Equatoria, Western Equatoria and Bahr El Ghazal, but the movement also has members from the Nuba Mountains, the Blue Nile province and to some extent from Darfur." [23a] (p18)

On 31 December 2004 the Government of Sudan and the SPLM/A signed a permanent ceasefire and, on 9 January 2005, both parties signed the Comprehensive Peace Agreement, bringing to an end the north-south conflict that had raged for 20 years. [10dw-10dz] John Garang became First Vice President of the Sudan on 9 July 2005 but was killed in an air crash at the end of July 2005. [15aa] Salva Kiir, previously Garang's deputy, assumed the leadership of the SPLM and was later sworn in as First Vice President. [10i, 10cr] The SPLM, which will be responsible for a largely autonomous south for the six years prior to a referendum on self-determination, will have a 28 per cent share in parliament and a 30 per cent share of jobs in the central administration. [10dw-10dx, 10dy-10ea]

South Sudan Independence Movement/Army (SSIM/SSIA)

"Nuer-dominated militia, led by Riek Machar, who split from the SPLM/A in 1991, to form the SPLM/A-Nasir/United. In 1994 Riek became leader of the SSIM/A and Lam Akol took the name of SPLM/A-United for his faction in west-central Upper Nile. In 1995 Riek and Garang signed a ceasefire and agreed to reintegrate their forces, but in April 1996 Machar signed a deal with the government. In 1997, the SSIM/A merged with the other rebel factions which signed the April 1997 Khartoum peace accord to become the SSDF." (IRIN News) [10dv]

Sudanese National Party (SNP)

Based in Khartoum. Leader – Hasan al-Mahi – participates in NDA. The SNP is apparently officially recognised owing to its announced support of the Constitution and laws regarding party formation. During an All Nuba Conference held in Kauda, Nuba Mountains, the SNP, FSNP and Sudan National Party-Collective Leadership reportedly agreed to dissolve individually and then merge as one new party called the United Sudan National Party (USNP). [65i]

Umma (Ummah) Party (UP/'mainstream UP')

Mahdist party based on the Koran and Islamic traditions based in the Ansar Muslim sect. Chairman – Dr Umar Nurad Ad-Da'im. Leader – Sadiq al-Mahdi.

Mahdist party based on the Koran and Islamic traditions based in the Ansar Muslim sect. Chairman - Dr Umar Nurad Ad-Da'im. Leader - Sadiq al-Mahdi.

According to information found on sudan.net, "During the last period of parliamentary democracy, the UP was the largest in the country, and its leader [since 1970], Sadiq al Mahdi served as prime minister in all coalition governments between 1986 and 1989." [57] (p1) The party was originally founded in 1945 as the political organisation of the Islamic Ansar movement. [57] (p1) Institute for Security Studies (ISS) reported of the prospects for a sustainable peace in Sudan on 1 May 2003. [9be]

The Danish Fact Finding Mission of 2001 stated that there was reportedly internal conflict due to the party's conciliation agreement of 1999 and continued co-operation with the Government. [23b] The party was a member of the NDA until, according to Europa 2005, it withdrew its membership in March 2000. [1a] (p1113) The UP had been able to perform its functions as a political party almost unhindered by the government since withdrawing from the NDA but, in April 2005, the party was formally banned. [10w] IRIN reported that: "The [news] agencies said security forces surrounded the party's headquarters on Wednesday morning, to stop a rally to celebrate the 20th anniversary of the fall of a previous regime. Scores of officials and party members were arrested. Subsequently, officials received a notification banning all political activities by the party, claiming it had not been properly registered." [10w]

Nevertheless, in July 2005 IRIN reported that: “The Popular Congress, the Ummah party and the Communist Party recently formed an alliance with a number of smaller parties to form an opposition to the government of national unity.” [10i]

See also Section 14.01 [Political affiliation: Freedom of assembly and association/Members and supporters of the Umma/Ummah Party \(UP\)](#)

Umma (Ummah) Party (registered)

Breakaway faction of UP-Mainstream, no longer in existence. Leader – Nur Jadayn

South Sudan Defence Force (SSDF)/United Democratic Salvation Front (USDF)
A collection of local militias, created as a loosely unified group by the 1997 Khartoum Agreement, and aligned to the Government of Sudan. The SSDF and the USDF (the formers political wing whose leader is Riek Mashar Teny-Dhurgon), according to an Institute for Security Studies (ISS) April 2004 report, are both internally divided organisations. The ISS report stated that the USDF did not have sufficient control over the SSDF and that the destabilised nature of these groups was a threat to the peace process. [43b] (*‘The South Sudan Defence Force (SSDF): A challenge to the Sudan Peace Process’*)

The same report contains a breakdown of the make-up of the SSDF, as of April 2004, and the various splits within the different militias. [43b] (*‘The South Sudan Defence Force (SSDF): A challenge to the Sudan Peace Process’*)

National Democratic Alliance (NDA)

Asmara-based organisation. Chair – Osman al-Mirghani. Vice Chairman. [58] (p565) The opposition movements that are members of the NDA include:

Beja Congress (BC)*

Baa’th Party (pro-Iraq)* [23b]

Baa’th Party (pro-Syria) [23b]

Democratic Unionist Party (DUP – Mirghani faction and its groupings)* [23b]

Legitimate Command (LC)* – formed from dissident military officers from Sudan

Sudan Alliance Forces (SAF)* – founded in 1994 by Commander-in-Chief Brigadier Abd el-Aziz Khalid Osman.

Sudan African National Union (SANU)* [23b]

Sudanese Communist Party (SCP – Nogud faction)* [23b]

Sudan Federal Democratic Alliance (SFDA)* – founded 1994, Chair – Ahmad Dreige – advocates a decentralised, federal structure for Sudan

The Sudanese National Party (SNP)* [23b]

The Sudan People’s Democratic Front (SPDF) [23b]

The Sudan People’s Liberation Movement (SPLM)* – Leader – Salva Kiir – now also President of south Sudan and First Vice President of the National Government.

Free Lions Association* – an armed rebel group led by Mabrouk Mubarak operating in eastern Sudan between Kassala and Port Sudan. [23b]

Sudan Liberation Movement – an armed rebel group based in Darfur but with a national agenda. [10du]

Political Parties of the World, published in 2005, stated that: “The NDA was formed in the immediate aftermath of the June 1989 military coup as a coalition which linked, somewhat awkwardly, a desperate group of opponents of the Bashir regime including the Sudan People’s Liberation Movement/Army and a number of Muslim-based parties, many of which not only supported the imposition Islamic shari’a law on the south, but had also opposed Southern autonomy or secession prior to the coup.” [58] (p565)

In January 2005 the UN's Integrated Regional Information Networks (IRIN) and the British Broadcasting Corporation (BBC) recorded that, after months of talks, the government and the NDA had signed a tentative peace agreement in Cairo supporting the southern peace agreement and the drafting of a new Constitution, and calling for the formation of a neutral, professional army. [10dm] In February 2005 IRIN reported that 30 top officials of the NDA attended a conference funded by the US-based International Republican Institute, which was aimed at strengthening and developing Sudan's opposition parties. [10eb] Member parties of the NDA are due to receive an allocation of 14 per cent of the seats in Parliament, under the power-sharing agreement of May 2004. [10ea]

See also Annex B: [Beja Congress](#)

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Annex C: Prominent people: past and present

The information below has been taken from the Sudan Net website, source [57g]. Spellings and names used may vary in other source documents and throughout the Country of Origin Information Report (COI Report).

THE GOVERNMENT

Chief of State

Lt Gen Umar Hassan Ahmad Al-Bashier

First Vice-President

Salva Kiir Mayardit

Second Vice President

Ali Uthman Muhammad Taha

The information below has been taken from the Gurtong Peace Project website, source [18k], which should be consulted for a more extensive list of Government ministers. Spellings and names used may vary in other source documents and throughout the Country of Origin Information Report (COI Report).

GOVERNMENT OF SOUTH SUDAN

President

H.E Lt. General Salva Kiir Mayardit

Vice-President

H.E Lt. Gen. Dr. Riek Machar Teny

For information on prominent people in opposition parties and rebel groups, see Annex B: [Political organisations](#)

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Annex D: Main ethnic groups

This list should not be viewed as exhaustive.

The United States State Department report on Human Rights practices 2006, published on 6 March 2007, stated that: "The population was a multiethnic mix of more than 500 Arab and African tribes with numerous languages and dialects." [3a] (p17)

See also Annex E: [Languages of Sudan](#)

ARAB ETHNIC GROUPS (MOSTLY NORTH SUDAN AND PARTS OF CENTRAL AND SOUTHERN SUDAN)

Baggara, Batahin, Beni Helba, Budairia, Dar Hamid, Habbania, Hamar, Hamr, Hassania, Hawasma, Hawawir, Jawamia, Kababisch, Kawahila, Kinana, Jaalin, Jim, Manasir, Masiria, Musallmia, Rubatab, Rufaa, Ruzaikat, Shaigiya or Shaiqiya, Schukria, Selim, Taaischa

According to Encyclopaedia Britannica (EB), "Those Sudanese who consider themselves Arabs are, for the most part, racially mixed and many of them are indistinguishable from black southerners." [62b] (p2) EB also recorded that: "Despite a common language and religion, the 'Arabs' do not constitute a cohesive group: they are highly differentiated in their mode of livelihood and comprise city dwellers, village farmers, and pastoral nomads." [62b] (p2)

EB 2004 recorded that:

"The Arabs have historically been divided into tribes based on presumed descent from a common ancestor. The tribal system has largely disintegrated in urban areas and settled villages, however, and retains its strength only among the nomads of the plains who raise cattle, sheep, and camels. Each Arab tribe or cluster of tribes is in turn assigned to a larger tribal grouping, of which the two largest are the Jalayin and the Juhaynah." [62b] (p2-3)

According to EB 2004, the Jalayin consisted of the sedentary agriculturalists along the middle Nile, whilst the Juhaynah encompassed the nomadic tribes of western and north-eastern Sudan, although some of them have also settled. [62b] (p3)

NON-ARAB ETHNIC GROUPS COLLECTIVELY KNOWN AS THE BEJA (NORTH-EAST SUDAN)

Amarar, Beni Amer, Bischarin, Hadendoa [64]

According to EB 2004 and the US Library of Congress' Country Study of 1991 (LoC 1991) most Beja, pastoral nomads who inhabit the Red Sea Hills and have probably done so since ancient times, speak Arabic as a second language, and Arab influence has led the Beja to adopt Islam. [62b] (p3) [37a] (p4) LoC 1991 stated that the Beja adopted genealogies which link them to Arab ancestors, Arabised their names and included Arabic terms in their language. [37a] (p4) However, EB 2004 and LoC 1991 agreed that the Beja are mostly descended from an indigenous people and have retained their Bedawiye language. [62b] (p3) [37a] (p4) [LoC's 1991 study stated that: "In

the 1990s, most Beja belonged to one of four groups – the Bisharin, the Amarar, the Hadendown and the Bani Amar.” [37a] (p4)

A January 2006 International Crisis Group (ICG) report noted:

“The population of the three states – Red Sea, Kassala and Gedaref – is approximately four million, a substantial part of which is the Beja nation, a confederation of indigenous non-Arab tribes whose ancestors have inhabited the semiarid areas between the Nile River and the Red Sea for more than 4,000 years. The Handendowa is the largest Beja tribe (and one of the largest tribes in Sudan, after the Dinka of the South and the Fur of Darfur), with an estimated population of 600,000. The three other largest Beja tribes are the Amar’ar, primarily in Red Sea State, the Beni Amer, divided between Sudan and Eritrea, and the Bishariyyin, divided between Sudan and Egypt. Almost all Beja tribes speak TuBedawiye (of the Cushitic linguistic group), except the Beni Amer, whose mother tongue is Tigre (a Semitic language).” [14b] (p2)

BLACK ETHNIC GROUPS – DARFUR (NORTH-WEST SUDAN)

Dago, Fur, Maba, Massaleit, Tama, Zaghawa [64]

According to the UNHCR’s July 2000 Background Paper the Massaleit are Black African Muslims who live in Darfur State in the north-west of Sudan. [65d] (p19)

Encyclopaedia Britannica online stated that: “Another non-Arabised Muslim people is the Fur; these sedentary agriculturalists live in or near the Marra Mountains in the far west.” [62b] (p3) According to the Library of Congress 1991 study, the Fur have resisted Arabisation despite being long surrounded and ruled by Arabs. [37a] (p5) LoC’s 1991 Study noted that: “Those [Fur] who acquired a substantial herd of cattle could maintain it only by living like the neighbouring Baqqara Arabs, and those who persisted in this pattern eventually came to be thought of as Baqqara.” [37a] (p5)

According to EB 2004, the LoC 1991 study and Ethnologue 2004, on the plateau north of the Fur is the tribe the Arabs call the Zaghawa, who speak Zaghawa and large numbers of whom live in Chad. [62a] [63] (p21) [37a] (p5) The 1991 LoC study recorded that the Zaghawa are semi-nomadic people who call themselves Beri. [37a] (p5) According to Ethnologue 2004, the Zaghawa in Sudan numbered approximately 102,000 in 1982. [63] (p21) The LoC 1991 study stated that although “Herders of cattle, camels, sheep and goats, the Zaghawa also gained a substantial part of their livelihood by gathering wild grains and other products.” [37a] (p5) The study also stated that whilst they were “Converted to Islam, the Zaghawa nevertheless retain much of their traditional religious orientation.” [37a] (p5)

Human Rights Watch (HRW) reproduced a ‘Map of Darfur’, dated 2004, on its website, which showed the approximate locations of the main tribes in Darfur. [19n]

BLACK ETHNIC GROUPS COLLECTIVELY KNOWN AS THE NUBIANS (PARTS OF NORTH SUDAN)

Anag, Barabra, Birked, Danagla, Dilling, Mahas, Midobi [64]

Encyclopaedia Britannica 2004 stated that: “Besides Arabs, there are several Muslim but non-Arab ethnic groups in the north.” [62b] (p3) According to EB 2004 and the LoC 1991 study, the most prominent of these groups, the Nubians, lived along the Nile in

the far north and in southern Egypt. [62b] (p3) [37a] (p4) However, LoC also recorded that Nile Nubians are known to have resettled in towns such as Khartoum, Kassala and Port Sudan. [37a] (p4) EB 2004 and LoC's 1991 study stated that they spoke Nubian and that most also spoke Arabic as a second language. [62b] (p3) [37a] (p4) LoC 1991 also stated that: "Other, much smaller groups speaking a related language and claiming a link with the Nile Nubians have been given local names, such as the Birqid and the Meidab in Darfur State." [37a] (p4)) LoC 1991 also recorded that Nile Nubians, although seeking to retain a link with their traditional homeland, have resettled in towns such as Khartoum, Kassala and Port Sudan to work as domestic servants and semi-skilled labourers but also as teachers or civil servants. [37a] (p4)

See also Section 17:01 [Ethnic groups/Nubians](#)

BLACK ETHNIC GROUPS COLLECTIVELY KNOWN AS THE NUBA (CENTRAL SUDAN)

Kadugli, Katla, Koalib, Krongo, Nemyang or Nyima, Tagoi, Temeini

Encyclopaedia Britannica (EB) online stated that: "One of the most important non-Muslim peoples in The Sudan is the Nuba, who live in the Nuba Mountains north of the Nilotes." [62b] (p4)

The Library of Congress' 1991 study also stated that: "The Kurdufanian languages these people [the Nuba] spoke were not generally mutually intelligible except for those of some adjacent communities." [37a] (p9) LoC's study considered that, given the Arabisation of the people around them, only a relatively small number of Nuba have adopted Arabic as their home language and even fewer have converted to Islam. [37a] (p9)

According to LoC's 1991 study, these groups, whilst collectively known as the Nuba, vary considerably in their culture and social organisation. [37a] (p9) The study recorded that some are patrilineally organised in that they base or trace their descent on the male line; others follow matrilineal patterns as they trace their descent on the female line; and a very few, in south-eastern Nuba, have both patri- and matrilineal groupings in the same community. [37a] (p9)

BLACK ETHNIC GROUPS (CENTRAL AND SOUTH SUDAN)

Acholi, Anuak, Azande, Baka, Banda, Bari, Berta or Schankalla, Bongo, Dinka, Karamojo, Koma, Kreisch, Lango, Lotuko, Luo, Madi, Mangbetu, Moru, Mundu, Murle or Molen, Ndogo, Nuer, Shilluk/Schilluk, Sere, Turkana

Encyclopaedia Britannica online stated that: "Chief among the Nilotic peoples are the Dinka, Nuer and Shilluk, who together make up almost one-fifth of The Sudan's total population." [62b] (p4) According to Ethnologue 2004 and Languages of the World, 1995, the languages of these three groups have the same name as their group (e.g. the Dinka speak Dinka). [63] (p6-7, 16, 17) [49] (p358) The LoC 1991 study recorded that the Dinka made up roughly 40 per cent of southern Sudan's population and approximately 10 per cent of Sudan's population as a whole; the Nuer were between a quarter to a third the size of the Dinka and the Shilluk about a quarter of the size of the Nuer. [37a] (p6) The LoC's 1991 study reported that: "The Dinka are considered to have as many as twenty-five tribal groups. The Nuer have nine or ten separately named groups." [37a] (p6)

According to Encyclopaedia Britannica, “The Dinka are mostly cattle-herders on the plains east of the White Nile, while the Shilluk are more settled farmers on the West Bank of the river. The Nuer live farther south, east of the Mountain Nile.” [62b] (p4) LoC’s 1991 study stated that: “The Dinka were widely distributed over the northern part of the southern region, particularly Aali an Nil and Bahr al Ghazal.” [37a] (p6) The LoC study also recorded that the Nuer populace was widely distributed, while the Shilluk, who call themselves Collo, were permanently settled in a limited and unbroken area just north of the point where the Bahr al Jabal becomes the White Nile. [37a] (p6-7)

The Gurtong Peace Project website provides the profiles of South Sudanese Communities [18I]

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Annex E: Languages of Sudan

This list should not be viewed as exhaustive.

For languages estimated to be spoken in Sudan by fewer than 20,000 persons, refer to Ethnologue, source. [63]

According to Encyclopaedia Britannica (EB), "There are more than 100 languages spoken as mother tongues in the Sudan." [62b] (p6) Ethnologue 2004 listed 142 languages for Sudan and stated: "Of those, 134 are living languages and 8 are extinct." [63] (p1) The US Library of Congress' (LoC 1991) country study dated June 1991 claimed that: "The number of languages spoken in Sudan is assumed to be about 400 languages, including languages spoken by an insignificant number of people." [37a] (p2) LoC's study also stated that: "English is widely spoken as a second language in the North and to a lesser extent in the South." [37a] (p5)

See also Annex D: [Main ethnic groups](#)

ACHERON

[ACZ] Northern Sudan, Kordofan Province, southern Nuba Hills.

Alternate names: GARME.

Dialects: EASTERN ACHERON, WESTERN ACHERON.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Talodi, Talodi Proper, Tocho. [63]

ACHOLI

[ACO] 27,000 in Sudan (1978 SIL). Southern Sudan, Opari District, Acholi Hills.

Alternate names: ACOLI, ATSCHOLI, SHULI, GANG, LWO, AKOLI, ACOOLI, LOG ACOLI, DOK ACOLI.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Southern, Luo-Acholi, Alur-Acholi, Lango-Acholi. [63]

ANUAK

[ANU] 52,000 in Sudan (1991 UBS). Population total both countries 98,000.

Alternate names: ANYWAK, ANYWA, YAMBO, JAMBO, NURO, ANYUAK, DHO ANYWAA.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Anuak. [63]

AMA

[NYI] 70,000 (1982 SIL). Northern Sudan, Kordofan Province, north-west of Dilling on range of hills of which Jebel Nyimang is a part, and on the Mandal range.

Alternate names: NYIMANG, INYIMANG, NYIMA, NYIMAN.

Classification: Nilo-Saharan, Eastern Sudanic, Western, Nyimang. [63]

ARABIC, STANDARD

[ABV] Middle East, North Africa.

Classification: Afro-Asiatic, Semitic, Central, South, Arabic.

ARABIC, SUDANESE CREOLE

[PGA] 20,000 first language and 44,000 second language speakers in Juba alone (1987 estimate). Southern Sudan, in the towns and many villages all over Equatoria

Region, and up into Bahr al Ghazal and Upper Nile regions. Refugees have gone to other countries.

Alternate names: JUBA ARABIC, SOUTHERN SUDAN ARABIC, PIDGIN ARABIC.

Classification: Creole, Arabic based. [63]

ARABIC, SUDANESE SPOKEN

[APD] 15,000,000 or more in Sudan, 51 per cent of population (1991). Population total all countries 16,000,000 to 19,000,000.

Alternate names: KHARTOUM ARABIC. Dialects: KHARTOUM, WESTERN SUDANESE, NORTH KORDOFAN ARABIC, JA'ALI, SHUKRI.

Classification: Afro-Asiatic, Semitic, Central, South, Arabic. [63]

BAKA

[BDH] 25,000 in Sudan (1993 UBS). Population total both countries 26,300.

Alternate names: TARA BAAKA.

Classification: Nilo-Saharan, Central Sudanic, West, Bongo-Bagirmi, Bongo-Baka, Baka. [63]

BARI

[BFA] 226,000 in Sudan (1978 SIL), including 26,400 in Kuku, 18,000 in Nyangbara, 3,400 in Nyepu, 25,000 in Pojulu. Population total both countries 286,000 or more.

Alternate names: BERI.

Dialects: KUKU, NYANGBARA (NYANGWARA, NYAMBARA), NYEPU (NYEFU, NYEPO, NYPHO, NGYEPU), PÖJULU (PAJULU, FADJULU, FAJELU, MADI), LIGO (LIGGO).

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Bari. [63]

BEDAWI

[BEI] 951,000 in Sudan (1982 SIL) including 30,000 Hadendoa, 15,000 Bisharin (1992). Population total all countries 1,148,000.

Alternate names: BEJA, BEDAWIYE, BEDAUYE, TO-BEDAWIE, BEDJA.

Dialects: HADENDOA (HADENDOWA, HADENDIWA), HADAREB (HADAAREB), BISHARIN (BISARIAB), BENI-AMIR.

Classification: Afro-Asiatic, Cushitic, North. [63]

BERTA

[WTI] 22,000. Northern Sudan. *Alternate names:* BARTA, BURTA, 'BENI SHANGUL', WETAWIT.

Dialects: SHURU, BAKE, UNDU, MAYU, FADASHI.

Classification: Nilo-Saharan, Berta. [63]

DAGIK

[DEC] (38,000 with Ngile; 1982 SIL). Northern Sudan, Kordofan Province, Nuba Mountains, on some outlying hills in Mesakin Hills, Reika village.

Alternate names: MASAKIN, MASAKIN DAGIG, DAGIG, REIKHA, DENGEBU.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Talodi, Talodi Proper, Ngile-Dengebu. [63]

DAJU, DAR FUR

[DAJ] 70,000 to 90,000 all Daju in Dar Fur (1983 Bender). Northern Sudan, Dar Fur Province, in the Daju Hills 25 miles north-east of Nyala. Also in Geneina District in Dar Masalit. The West Kordofan dialect is in the Daju Hills near Lagowa, with main settlements at Dar el Kabira, Nyukri, and Tamanyik and other hills.

Alternate names: NYALA-LAGOWA, FININGA, DAGU, DAJU FERNE, BEKE. *Dialects:* NYALA, LAGOWA.

Classification: Nilo-Saharan, Eastern Sudanic, Western, Daju, Western Daju. [63]

DAJU, DAR SILA

[DAU] Northern Sudan. Nearly all those Daju of Dar Sila who are in Sudan have migrated into Dar Fur and settled there in recent times.

Alternate names: SILA, SULA, MONGO-SILA, BOKOR, BOKORUGE, BOKORIKE.

Dialects: MONGO, SILA. *Classification:* Nilo-Saharan, Eastern Sudanic, Western, Daju, Western Daju. [63]

DIDINGA

[DID] 58,000 (1978 SIL). Southern Sudan, Didinga Hills and north of Nagishot.

Alternate names: 'DI'DINGA, XAROXA, TOI, LANGO.

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Surmic, South, South-west, Didinga-Murle, Didinga-Longarim. [63]

DINKA, NORTH-EASTERN

[DIP] 320,000 (1986 UBS) including 7,200 Abialang, 9,000 Dongjol, 2,500 Luac, 16,000 Ngok-Sobat, 20,000 Jok, 13,500 Ageer, 2,000 Rut, 400 Thoi. Southern Sudan, north-east of the Sudd, along both sides of the White Nile, and along the Sobat River.

Alternate names: PADANG, WHITE NILE DINKA.

Dialects: ABILIANG (DINKA IBRAHIM, AKOON, BAWOM, BOWOM), DONGJOL, LUAC (LUAIC), NGOK-SOBAT (NGORK, JOK), AGEER (AGER, AGEIR, ABUYA, BEER, NIEL, NYEL, PALOC, PALOIC), RUT, THOI.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [63]

DINKA, NORTH-WESTERN

[DIW] 80,000 Ruweng (1986). Southern Sudan, north of the Bahr el Ghazal River, and southern Kordofan around Abyei.

Dialects: ALOR, NGOK-KORDOFAN, PAN ARU, RUWENG.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [63]

DINKA, SOUTH-CENTRAL

[DIB] 250,000 including 2,000 Aker, 2,000 Thany, 22,000 Ciec, 25,000 Gok (Tucker and Bryan). (Total Dinka 2,000,000 or more.) Southern Sudan, west of the Nile, south of the Sudd. Aker is south-east of the Agar; Aliap is south of the Bor in a few fishing villages mainly on the east bank of the Nile. Ciec is in Lakes District on the west bank of the Nile. Gok is between the Agar and the Rek in Jur River and Lakes districts.

Alternate names: AGAR, CENTRAL DINKA. *Dialects:* ALIAP (ALIAB, THANY, AKER), CIEC (CIEM, CIC, CHIECH, KWAC, AJAK, ADOR), GOK (GAUK, COK), AGAR.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [63]

DINKA, SOUTH-EASTERN

[DIN] 250,000 including 21,000 Atoc, 9,000 Ghol, 4,000 Nyarueng, 35,000 Twi, 21,000 Bor Gok (Tucker and Bryan). 500,000 including South Central (Agar) and South-eastern (Bor) (1982 UBS). Southern Sudan, east of the Nile, around Bor and northwards.

Alternate names: BOR, EASTERN DINKA.

Dialects: BOR (BOR GOK), ATHOC (ATHOIC, ATOC, BORATHOI, BOR ATHOIC), GHOL, NYARWENG (NYARUENG, NARREWENG), TUIC (TWI).

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [63]

DINKA, SOUTH-WESTERN

[DIK] 450,000 (1982 UBS) including 55,000 Abiem, 15,000 Luac, 40,000 Malual, 17,000 Paliet, 35,000 Palioupiny, 50,000 Tuic. Southern Sudan, north and north-west of Wau.

Alternate names: REK, WESTERN DINKA.

Dialects: REK (RAIK), ABIEM (AJONG DIT, AJONG THI, AKANY KOK, AKERN JOK, APUOTH, APWOTH, ANEI), AGUOK (AGWOK), APUK, AWAN, LAU, LUAC, MALUAL (MALWAL, ATOKTOU, DULIIT, KOROK, MAKEM, PETH), PALIET (BALIET, AJAK, BUONCWAI, BON SHWAI, BWONCWAI, KONGDER, KONDAIR, THANY BUR, TAINBOUR), PALIOUPINY (PALIOPING, AKJUET, AKWANG, AYAT, CIMEL, GOMJUER), TUIC (TWIC, TWICH, TWIJ, ADHIANG, AMIOL, NYANG, THON).

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Dinka. [63]

FULFULDE, ADAMAWA

[FUB] 90,000 in Sudan (1982 SIL). Northern Sudan, Blue Nile and Kordofan regions.

Alternate names: FELLATA.

Dialects: GOMBE.

Classification: Niger-Congo, Atlantic-Congo, Atlantic, Northern, Senegambian, Fula-Wolof, Fulani, Eastern. [63]

FUR

[FUR] 500,000 in Sudan (1983 Bender). Population total both countries 502,000.

Alternate names: FOR, FORA, FORDUNGA, FURAWI, FURAKANG, FORTA, FOROK, KONJARA, KUNGARA, YERGE, ONAGE, KORRA, KADIRGI, KURKA, DALA, LALI.

Classification: Nilo-Saharan, Fur. [63]

GAAM

[TBI] 40,000 to 80,000 (1997 M L Bender). Northern Sudan. The main centre is in and around Jebel Tabi, on Tabi Massif and outlying hills. A small community in Khartoum. Not in Ethiopia.

Alternate names: INGASSANA, INGESSANA, TABI, METABI, MUNTABI, MAMEDJA, MAMIDZA, KAMANIDI.

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Eastern Jebel, Gaam. [63]

GUMUZ

[GUK] 40,000 in Sudan. Northern Sudan, around Famaka, Roseires from Ethiopia border possibly as far as Fazoglo.

Alternate names: MENDEYA, DEBATSA, DEGUBA, DEHENDA, GUMIS, GOMBO, SHANKILLINYA, SHANQILLA.

Dialects: DISOHA (DESUA), DAKUNZA (DEGOJA, DUKUNZA, GUNZA, GANZA, DUKUNA, DUGUNZA), SAI, SESE (SAYSAY), DEKOKA, DEWIYA, KUKWAYA, GOMBO, JEMHWA, MODEA.

Classification: Nilo-Saharan, Komuz, Gumuz. [63]

HAUSA

[HUA] 418,000 in Sudan (1993 Johnstone). Northern Sudan.

Classification: Afro-Asiatic, Chadic, West, A, A.1. [63]

JUMJUM

[JUM] 25,000 to 50,000 (1987 SIL). Northern Upper Nile Province, along Khor Jumjum on Jebels Tunga, Terta, and Wadega.

Alternate names: BERIN, OLGA, WADEGA.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Maban-Burun, Maban. [63]

KANURI, CENTRAL

[KPH] 195,000 in Sudan (1993 Johnstone). Northern.

Alternate names: YERWA KANURI, KANOURI, BORNU, BORNOUNS, KANOURY, KOLE, SIRATA, 'BERIBERI'.

Dialects: DAGARA, KAGA (KAGAMA), SUGURTI, LARE, KWAYAM, NJESKO, KABARI (KUVURI), NGAZAR, GUVJA, MAO, TEMAGERI, FADAWA, MAIDUGURI.

Classification: Nilo-Saharan, Saharan, Western, Kanuri. [63]

KAKWA

[KEO] 40,000 in Sudan (1978 SIL). Southern Sudan, Yei District, extending into DRC in the west at Aba and in the south around Mahagi.

Alternate names: BARI KAKWA, KAKUA, KWAKWAK, KAKWAK.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Bari. [63]

KATCHA-KADUGLI-MIRI

[KAT] 74,935 including 48,864 Kadugli and Katcha, 26,071 Miri (1984 R C Stevenson). Northern Sudan, Kordofan Province, in the southern hills of the Nuba Hills area. Katcha is in villages a short distance south of Kadugli and south-east of the Miri Hills. Kadugli is also in villages surrounding Kadugli. Miri is in Miri villages south of Kadugli.

Dialects: KATCHA (TOLUBI, DHOLUBI, TUNA, KACA), KADUGLI (DAKALLA, TALLA, DHALLA, TOMA MA DALLA, KUDUGLI, MORTA), MIRI, DAMBA.

Classification: Niger-Congo, Kordofanian, Kadugli, Central. [63]

KENUZI-DONGOLA

[KNC] 180,000 in Sudan (1996). Population total both countries 280,000.

Alternate names: DONGOLA-KENUZ, NILE NUBIAN, DONGOLAWI.

Dialects: DONGOLA, KENUZI (KENUZ, KUNUZI).

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Nubian, Central, Dongolawi. [63]

KOALIB

[KIB] 44,258 (1984 R C Stevenson). Northern Sudan, southern Kordofan Province, Nuba Mountains, around Delami, including Umm Berumbita and Turum (Nguqwurang), south and south-west of Abri around Koalib range (Ngunduna), at and around Nyukwur, also at Umm Heitan and Hadra (Nginyukwur), in villages scattered over the plain around Abri (Ngirere).

Alternate names: KAWALIB, KOWALIB, NGIRERE, NIRERE, RERE, LGALIGE, ABRI.

Dialects: NGUQWURANG, NGUNDUNA, NGINYUKWUR, NGIRERE, NGEMERE.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Central, Rere. [63]

KRONGO

[KGO] 21,688 (1984 R C Stevenson). Northern Sudan, Krongo Hills, south of Masakin range and west of Talodi, Kordofan Province.

Alternate names: KORONGO, KURUNGU, KADUMODI, TABANYA, DIMODONGO.

Dialects: FAMA-TEIS-KUA.

Classification: Niger-Congo, Kordofanian, Kadugli, Eastern. [63]

LANGO

[LNO] 20,000 possibly (1987 SIL). Southern Sudan, eastern Equatoria Province, Torit District.

Alternate names: LANGGO.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Lotuxo-Maa, Lotuxo. [63]

LARO

[LRO] 40,000 (1998 local estimate). Northern Sudan, Nuba Hills on the hills of Laro (Alleira) and a few small hills nearby.

Alternate names: LARU, AALEIRA, YILLARO, NGWULLARO.

Dialects: TUNDULI, LARO.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Central, Ebang-Logol, Ebang-Laru. [63]

LOPPIT

[LPX] 50,000 (1995 Scott Randal). Southern Sudan, eastern Equatoria Province, Lopit Hills, northeast of Torit.

Alternate names: LOPIT, LOPID, LOFIT, LAFITE, LAFIT, LAFIIT.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Lotuxo-Maa, Lotuxo. [63]

LUWO

[LWO] 80,000 (1983 census). Southern Sudan, north of Wau toward Aweil, southeast of Wau as far as Tonj.

Alternate names: LWO, JUR LUO, JUR LWO, JO LWO, DHE LWO, DHE LUWO, GIUR.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Jur. [63]

MABAAN

[MFZ] 25,000 to 50,000 (1987 SIL). On the border of Blue Nile and Upper Nile provinces, between Yabus and Tombak rivers in the north and Khor Daga in the south. Not in Ethiopia.

Alternate names: MAABAN, MEBAN, SOUTHERN BURUN, GURA, TUNGAN, BARGA, TONKO, ULU.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Maban-Burun, Maban. [63]

MANDARI

[MQU] 35,812 (1952). Southern Sudan, near Bari; one division around Tali, the other on both sides of the Nile between Tombe and Mongalla.

Alternate names: MONDARI, MUNDARI, SHIR, CHIR, KIR.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Bari. [63]

MASSALEIT

[MSA] 145,000 in Sudan. Population total both countries 250,000 (1983 Doornbos and Bender).

Alternate names: MASALIT, MASSALIT, KAANA MASALA, JWISINCE.

Dialects: SURBAKHAL.

Classification: Nilo-Saharan, Maban, Mabang, Masalit. [63]

MIDOB

[MEI] 50,000 (1993 R Werner). Northern Sudan, Dar Fur Province, Jebel Midob, and settled communities in Omdurman and Gezira Aba. The centre is Malha.

Alternate names: MEIDOB, MIDOBI, TIDDA, TID, TID-N-AAL.

Dialects: SHELKOTA (SHALKOTA), KAAGEDDI, URRTI (UURTI).

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Nubian, Western. [63]

MORO

[MOR] 30,000 (1982 SIL) including 4,100 Abu Leila and Lebu, 460 Umm Dore, 9,000 Umm Gabralla (1977 Voegelin and Voegelin). Northern Sudan, eastern Nuba Mountains, Kordofan Province.

Alternate names: DHIMORONG.

Dialects: UMM DOREIN (LOGORBAN), UMM GABRALLA (TOBERELDA), NDERRE, LAIYEN, NUBWA, ULBA, WERRIA.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Western. [63]

MORU

[MGD] 70,000 (1982 SIL), including 1,200 Agi, 2,500 Andri, 5,000 Kadiro, 9,000 Miza, 400 Wa'di. Southern Sudan, Mundri District, Equatoria Province.

Alternate names: KALA MORU.

Dialects: AGI, ANDRI, 'BALI'BA, KADIRO, LAKAMA'DI, MIZA, MORUWA'DI.

Classification: Nilo-Saharan, Central Sudanic, East, Moru-Madi, Northern. [63]

MÜNDÜ

[MUH] 23,000 in Sudan. Population total both countries 25,800.

Alternate names: MUNDO, MOUNTOU, MONDU, MONDO.

Dialects: SHATT.

Classification: Niger-Congo, Atlantic-Congo, Volta-Congo, North, Adamawa-Ubangi, Ubangi, Sere-Ngbaka-Mba, Ngbaka-Mba, Ngbaka, Eastern, Mundu. [63]

MURLE

[MUR] 60,000 in Sudan (1982 SIL). Population total both countries 60,200.

Alternate names: MURELEI, MERULE, MOURLE, MURULE, BEIR, AJIBBA, AGIBA, ADKIBBA.

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Surmic, South, Southwest, Didinga-Murle, Murle. [63]

NDOGO

[NDZ] 20,000 (1993). Southern Sudan, Western District along Wau-Deim Zubeir Road between Mboro and Kpango rivers. A few are north of Tembura among the Zande. Not in CAR.

Classification: Niger-Congo, Atlantic-Congo, Volta-Congo, North, Adamawa-Ubangi, Ubangi, Sere-Ngbaka-Mba, Sere, Sere-Bviri, Ndogo-Sere. [63]

NGILE

[MAS] 38,000 including Dagik (1982 SIL). Northern Sudan, Kordofan Province, Nuba Mountains, in Mesakin Hills on some outlying hills.

Alternate names: MASAKIN, MESAKIN, DALOKA, TALOKA, DARRA.

Dialects: AHEIMA (EL AKHEIMAR), DALOKA (TALOKA), MASAKIN GUSAR (MESAKIN QUSAR, MASAKIN BURAM), MASAKIN TUWAL (TIWAL, TOWAL).

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Talodi, Talodi Proper, Ngile-Dengebu. [63]

NOBIIN

[FIA] 295,000 in Sudan (1996). Population total both countries 545,000.

Alternate names: MAHAS-FIADIDJA, MAHAS-FIYADIKKYA, FIADIDJA-MAHAS.

Dialects: MAHAS (MAHASI, MAHASS), FIYADIKKA (FEDICCA, FADICHA, FADICCA, FADIJA, FIADIDJA).

Classification: Nilo-Saharan, Eastern Sudanic, Eastern, Nubian, Northern. [63]

NUER

[NUS] 740,000 in Sudan (1982 SIL) including 2,935 Western Jikany, 12,500 Lou, 1,100 Nyuong, 2,500 Thiang, 5,900 Bul, 2,400 Jagai, 6,700 Laak, 4,900 Leik, 1,600 Door, 17,600 Eastern Jikany (1977 Voegelin and Voegelin). Population total both countries 805,000.

Alternate names: NAATH, NAADH. *Dialects:* DOR (DOOR), EASTERN JIKANY (JIKAIN, JEKAIN), ABIGAR, WESTERN JIKANY, CIEN, THOGNAATH (THOK NATH), LOU (LAU), NYUONG, THIANG (BUL, GAWAAR, JAGAI, LAAK, LEIK).

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Dinka-Nuer, Nuer. [63]

OTUHO

[LOT] 135,000 including Dongotono (1998), 2,500 Koriot, 1,000 Lomya (1977 Voegelin and Voegelin). Southern Sudan, Torit District, eastern Equatoria Province, east and southeast of the Luluba and the Lokoya.

Alternate names: LOTUKO, LOTUHO, LOTUXO, LOTUKA, LATTUKA, LATUKO, LATUKA, LATOOKA, OTUXO, OLOTORIT.

Dialects: KORIOK, LOGIRI (LOGIR), LOMYA (LOMIA), LORWAMA, LOWUDO (LOUDO, LAUDA), LOGOTOK.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Lotuxo-Maa, Lotuxo. [63]

PÄRI

[LKR] 28,000 (1987 SIL). Southern Sudan, Upper Nile Province.

Alternate names: LOKORO.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Unclassified. [63]

SHILLUK

[SHK] 175,000 (1982 SIL). Southern Sudan, Upper Nile Province, between Nile and Kordofan Province boundary, from latitude 11 in the north to about 80 miles west of Tonga; also on the east bank of the Nile around the junction of the Nile and Sobat rivers, and for about 20 miles up the Sobat River.

Alternate names: COLO, DHOCOLO, CHULLA, SHULLA.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Western, Luo, Northern, Shilluk. [63]

TEGALI

[RAS] 35,738 (1984 R C Stevenson). Northern Sudan, Kordofan Province, Nuba Mountains, Tegali Range, Rashad hills and town of Rashad.

Alternate names: TAGALE, TEGELE, TOGOLE, TEKELE.

Dialects: RASHAD (KOM, NGAKOM, KOME), TEGALI.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Rashad. [63]

TIRA

[TIR] 40,000 (1982 SIL). Northern Sudan, Nuba Hills in villages extending from near Otoro to the neighbourhood of Talodi.

Alternate names: TIRO, THIRO, LITHIRO.

Dialects: KINDERMA (KANDERMA), TIRA EL AKHDAR (TIRA DAGIG), TIRA LUMUM (LUMAN), TIRA MANDI.

Classification: Niger-Congo, Kordofanian, Kordofanian Proper, Heiban, West-Central, Western. [63]

TOPOSA

[TOQ] 100,000 (1984 M Schroeder). Southern Sudan, along both sides of Singaita and Lokalyen rivers. The southern boundary is 4.30' N, northern 5' N, western 33.22' E, eastern 34' E. Ritual centre at Loyooro River. They migrate as far as Moruangipi (34.30' E, 5.10' N), and occasionally farther east into the disputed Ilemi Triangle at the Ethiopian border for seasonal grazing. They have no permanent settlements there. The Jiye live at 5.20' N 33.45' E.

Alternate names: TAPOSA, TOPOTHA, AKARA, KARE, KUMI.

Dialects: EASTERN TOPOSA, WESTERN TOPOSA, JIYE.

Classification: Nilo-Saharan, Eastern Sudanic, Nilotic, Eastern, Lotuxo-Teso, Teso-Turkana, Turkana. [63]

ZAGHEWA

[ZAG] 102,000 in Sudan (1982 SIL). Population total all countries 186,800.

Alternate names: SOGHAUA, ZEGGAOUA, ZAGAOUA, ZORHAUA, ZAGAWA, ZAHAWA, ZEGHAWA, ZAUGE, BERRI, BERI, BERI-AA, MERIDA, KEBADI, KUYUK.

Classification: Nilo-Saharan, Saharan, Eastern. [63]

ZANDE

[ZAN] 350,000 in Sudan (1982 SIL). Southern Sudan, DRC primarily, and CAR in an elongated semicircle with Uele River as its base. Some projections south.

Alternate names: SOGHAUA, ZEGGAOUA, ZAGAOUA, ZORHAUA, ZAGAWA, ZEGHAWA, ZAUGE, BERRI, BERI, BERI-AA, MERIDA, KEBADI, KUYUKI.

Dialects: DIO, MAKARAKA (ODIO).

Classification: Niger-Congo, Atlantic-Congo, Volta-Congo, North, Adamawa-Ubangi, Ubangi, Zande, Zande-Nzakara. [63]

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Annex F: Religions of Sudan

This list should not be viewed as exhaustive.

The United States State Department report on International Religious Freedom 2006, published on 15 September 2006, stated that: Sudan has an estimated population of 41 million and an area of 967,500 square miles. "Exact population and demographic data were unavailable due to the long civil war, and there were no recent census figures. An estimated two-thirds to three-fourths of the population lived in the fifteen states of the North and were generally from Arabic-speaking Semitic groups. The remaining one-fourth to one-third of the population lived in the South and were mostly Nilotic peoples, some of whom have adopted English as a common language. More than four million internally displaced persons (IDPs) fled from the South to the North during the long civil war. Although several hundred thousand returned to the South after the CPA, many more still lived in and around northern cities." [3f] (Section I. Religious Demography)

ISLAM

The state religion. Sudanese Islam has a strong Sufi element, and is estimated to have more than 15 million adherents. [1a] (p1114) "Some Muslim leaders estimated the country's Muslim population to be more than thirty-two million, or above 80 percent of the total population; almost all Muslims in the country were Sunni, with a small Shi'a community, although there were significant distinctions between followers of different Islamic traditions. The most significant divisions within the Sunni community occurred along the lines of the Sufi brotherhoods. Two popular brotherhoods, the Ansar and the Khatmia, were associated with the opposition Umma and Democratic Unionist Parties, respectively." [3f] (Section I. Religious Demography)

CHRISTIANITY

Sudan Council of Churches – Chair: Most Reverend Paolino Lukudu Loro (Roman Catholic Archbishop of Juba); General Secretary: Reverend Clement H Janda. [1a] (p1114) EB 2004 estimated that "Christians account for between 4 and 10 percent of the population." [1a] (p1088)

The United States State Department report on International Religious Freedom 2006, published on 15 September 2006, noted that: "Precise religious data were not available; self-reported membership totals in particular religious groups could not be confirmed, and outdated census figures may not be accurate. In general Islam predominated in the North, while traditional indigenous beliefs (animism) and Christianity were prevalent in the South." [3f] (Section I. Religious Demography)

Roman Catholic church

Archbishop of Khartoum: Cardinal Gabriel Zubeir Wako. [1a] (p1114)

Archbishop of Juba: Most Reverend Paolino Lukudu Loro. [1a] (p1114)

Latin Rite: Sudan comprised two archdioceses and seven dioceses and, as of 31 December 2002, an estimated 4,179,932 or 9.7 per cent of the population were adherents. [1a] (p1114)

Sudan Catholic Bishops' Conference

Founded in 1971 by Most Reverend Paolino Lukudu Loro. [1a] (p1114)

Maronite Rite: Maronite Church in Sudan

Reverend Father Youseph Neama. [1a] (p1114)

Melkite Rite: Patriarchal Vicariate of Egypt and Sudan

General Patriarchal Vicar in Egypt and Sudan: Jules Zerey (Titular Archbishop of Damiette); Protosyncellus: Most Reverend Paul Antaki (Titular Archbishop of Nubia); Vicar in Sudan: Father George Banna. [1a] (p1114)

Syrian Rite: Syrian Church in Sudan

Under the jurisdiction of the Patriarch of Antioch. Protosyncellus: Right Reverend Joseph Hannouche (Bishop of Cairo). [1a] (p1114)

ORTHODOX CHURCHES**Coptic Orthodox Church: Metropolitan of Khartoum, Southern Sudan and Uganda**

Right Reverend Anba Danial. [1a] (p1114)
Bishop of Atbara, Omdurman and Northern Sudan
Right Reverend Anba Sarabamon. [1a] (p1114)

Greek Orthodox Church

Metropolitan of Nubia Archbishop: Dionyssios Hadzivassiliou. [1a] (p1114)
According to Europa 2005, "The Ethiopian Orthodox Church is also active." [1a] (p1114)

The Anglican Communion

Archbishop in Sudan: Most Reverend Joseph Biringi. [1a] (p1114)

The (Episcopal) Church of the Province of the Sudan

Established in 1976, has 24 dioceses and approximately one million adherents. [1a] (p1114)

OTHER CHRISTIAN CHURCHES**Evangelical Church**

Chair: Reverend Radi Elias. Approximately 1,500 members; administers schools, a literature centre and a training centre. [1a] (p1114)

Presbyterian Church

Autonomous since 1956; General Secretary: Reverend Thomas Maluit. Approximately 67,000 members. [1a] (p1114)

SIM Sudan

Founded 1937; Director: L Dick. [1a] (p1114)
According to Europa 2005, "The Africa Inland Church, the Sudan Interior Church and the Sudanese Church of Christ are also active." [1a] (p1114)

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Annex G: States of Sudan

The information below has been taken from the Official Government of Sudan website, source [4c]. Spellings and names of states and state capitals may vary in other source documents and throughout the Country of Origin Information Report (COI Report).

GOVERNMENT OF SUDAN (GoS)-ADMINISTERED AREAS

Northern	Capital: Dongola	
River Nile	Capital: Damar	
Khartoum	Capital: Khartoum	
North Kordofan	Capital: Elobeid	
Western Kordofan	Capital: Foola	
Southern Kordofan	Capital: Kadugli	
White Nile	Capital: Rabak	
Aljazira	Capital: Medani	
Gadarif	Capital: Gadarif	
Sinnar	Capital: Sinja	
Northern Darfur	Capital: Fashir	Part rebel-controlled (west)
Western Darfur	Capital: Jineina	Part rebel-controlled (west)
Southern Darfur	Capital: Nyala	Part rebel-controlled (west)
Red Sea	Capital: Port Sudan	Part rebel-controlled (east)
Kasala	Capital: Kasala	Part rebel-controlled (east)

GOVERNMENT OF SOUTH SUDAN (GoSS)-ADMINISTERED AREAS

Western Equatoria	Capital: Yambio
Eastern Equatoria	Capital: Torit
Bhar El Jebel	Capital: Juba
Upper Nile State	Capital: Malakal
Jonglei state	Capital: Bor
Unity	Capital: Bentiu
Western Bhar El Ghazal	Capital: Wau
Lakes state	Capital: Rumbek
Warrap state	Capital: Gogrial
Eastern Bhar El Ghazal	Capital: Tonj
Northern Bhar El Ghazal	Capital: Aweil

AREAS JOINTLY ADMINISTERED BY THE SPLM AND GoS

Blue Nile State	Capital: Damazeen
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Nuba Mountains
(located in Southern and Western Kordofan)

Abyei Province
(located in Western Kordofan)

See also Section 1.01: [Geography](#)

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Annex H: List of abbreviations

AI	Amnesty International
CEDAW	Committee on the Elimination of All Forms of Discrimination Against Women
CPJ	Committee to Protect Journalists
EU	European Union
EBRD	European Bank for Reconstruction and Development
FCO	Foreign and Commonwealth Office (UK)
FIDH	International Federation for Human Rights
FGM	Female Genital Mutilation
FH	Freedom House
GDP	Gross Domestic Product
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HRW	Human Rights Watch
IAG	Illegal Armed Group
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IDP	Internally Displaced Person
IFRC	International Federation of Red Cross and Red Crescent Societies
IMF	International Monetary Fund
IOM	International Organisation for Migration
MSF	Médecins sans Frontières
NA	Northern Alliance
NATO	North Atlantic Treaty Organisation
NGO	Non Governmental Organisation
OCHA	Office for the Coordination of Humanitarian Affairs
ODIHR	Office for Democratic Institutions and Human Rights
ODPR	Office for Displaced Persons and Refugees
OECD	Organisation of Economic Cooperation and Development
OHCHR	Office of the High Commissioner for Human Rights
OSCE	Organisation for Security and Cooperation in Europe
RSF	Reporteurs sans Frontières
SOAT	Sudan Organisation Against Torture
STD	Sexually Transmitted Disease
STC	Save The Children
TB	Tuberculosis
TI	Transparency International
UN	United Nations
UNAIDS	Joint United Nations Programme on HIV/AIDS
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCHR	United Nations High Commissioner for Human Rights
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNODC	United Nations Office on Drugs and Crime
USAID	United States Agency for International Development
USSD	United States State Department
WFP	World Food Programme
WHO	World Health Organization

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The Home Office is not responsible for the content of external websites.

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